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Statutes

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## **STATUTES**

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

## Eighth Year of the Reign of His Majesty KING GEORGE VI

Being the First Session of the Twenty-First Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TWENTY-SECOND DAY OF FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND FORTY-FOUR



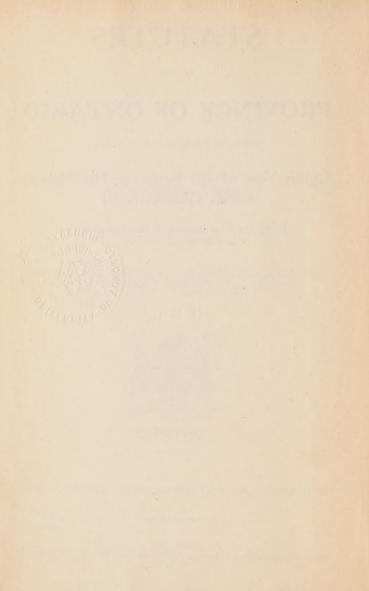
ONTARIO

HIS HONOUR ALBERT MATTHEWS, LIEUTENANT-GOVERNOR

425254

TORONTO

Printed and Published by T. E. Bowman, Printer to the King's Most Excellent Majesty



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# PART I PUBLIC ACTS

Chapters 1 to 69





### 8 GEORGE VI.

#### CHAPTER 1.

The Abitibi Power & Paper Company Limited Moratorium Act, 1944.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Notwithstanding anything contained in section 4 of <sup>1941, c. 1,</sup>
  The Abitibi Power & Paper Company Limited Moratorium extended.

  Act, 1941, section 1 of The Abitibi Power & Paper Company
  Limited Moratorium Act, 1942, or section 1 of The Statute
  Law Amendment Act, 1943, all the other provisions of The
  Abitibi Power & Paper Company Limited Moratorium Act,
  1941, and The Abitibi Power & Paper Company Limited
  Moratorium Act, 1942, shall be and remain in force and shall
  have effect until the 30th day of June, 1945.
- 2. Section 2 of The Abitibi Power & Paper Company 1942. c. 3. Limited Moratorium Act, 1942, as amended by section 2 of amended. The Statute Law Amendment Act, 1943, is further amended by striking out the figures "1944" in the first line and inserting in lieu thereof the figures "1945", so that the said section, exclusive of the clauses, shall now read as follows:
  - Until after the 30th day of June, 1945, in so far as No proceedany property, real or personal, in Ontario is con-consent. cerned, without the consent in writing of the Attorney-General,—

3. This Act may be cited as The Abitibi Power & Paper Short title. Company Limited Moratorium Act, 1944.



#### CHAPTER 2.

An Act to provide Financial Protection for Members of the Armed Forces.

> Assented to April 6th, 1944. Session Prorogued April 6th. 1944.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1.—(1) In this Act.—

Interpreta-

- (a) "dependent" shall mean person who is dependent "dependupon a member of the forces for his livelihood or ent any substantial part thereof;
- (b) "member of the forces" shall mean,—

"member of the forces".

- (i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty's naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein:
- (ii) any person who, having been called up pur-1940, c. 13, suant to The National Resources Mobilization Act, 1940, (Canada) and the regulations thereunder, for training, service or duty in any of · His Majesty's naval, military or air forces raised in Canada, has volunteered to serve on active service therein and has in consequence thereof been placed on active service; and
- (iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada), or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

York and Carleton.

(2) An application which under this Act may be made to a judge of a county or district court shall in the Counties of York and Carleton be made to the Master and local master of the Supreme Court respectively.

Action against member of the forces.

2. Where any proceeding is taken in any action, matter or cause brought against a member of the forces or a dependent thereof in any court of civil jurisdiction whether before or after judgment, with respect to any obligation incurred by such member or dependent prior to the enlistment or calling up of such member, an application for relief may be made by or on behalf of such member or dependent to a judge of such court.

proceedings

3. Where any extra-judicial proceeding of any nature whether by way of distress, seizure, repossession or otherwise is taken against a member of the forces or a dependent thereof to enforce payment of an amount due in respect of any personal property or to recover possession of any such property pursuant to the provisions of a conditional sale or other agreement, either oral or in writing, entered into by such member or dependent prior to the enlistment or calling up of such member, an application for relief may be made by or on behalf of such member or dependent to a judge of the county or district court of the county or district in which such member or dependent ordinarily resides.

Taxes. Rev. Stat., cc. 272; 59.

4. Where any proceeding under The Assessment Act or The Department of Municipal Affairs Act or any other Act by way of action, distress, sale, registration of tax arrears certificate or otherwise for the recovery of taxes levied for municipal, school or local improvement purposes including all rates, rents and other charges imposed and collected in the same manner as taxes or for the recovery of interest, penalties or costs in respect thereof is taken against a member of the forces or a dependent thereof or against property owned by any such member or dependent, an application for relief may be made by or on behalf of such member or dependent to a judge of the court in which the proceeding is taken or, where the proceeding is not in a court, to a judge of the county or district court of the county or district in which such property is situate.

Directions of judge.

5.—(1) A judge to whom an application is made under this Act may give all necessary directions with regard to service of notice and other matters incidental to the application and shall have the same power of summoning any person and requiring him to give evidence on oath and to produce documents and things and of enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things as is vested in any court in civil cases.

- (2) Upon the making of an application under this Act and Interim the service of notice in writing thereof upon the person taking proceedings. the proceeding which is the subject of the application, such proceeding shall, ipso facto, be stayed pending the final disposition of such application.
- 6.—(1) Upon the hearing of the application the judge Hearing of evidence. may hear such evidence and representations as he deems proper and may determine all questions which may arise and having regard to the position and circumstances of all the parties, the impairment of income suffered by the member or dependent by reason of the enlistment or calling up of the member and all other relevant circumstances, may make such order as he deems proper staying such proceeding or deferring the time for making any payment or for the performance of any term, or both, either with or without determining any question of liability that may be involved, upon such terms and subject to such conditions as he may deem proper, or may dismiss the application.
- (2) In any order made under this section relief may be Period of relief. granted for the full period during which the member of the forces continues to be a member and for such period not exceeding one year thereafter as the judge may deem proper.
- 7. Any person who may be adversely affected by an order Relief to made under this Act by reason of his position as a guarantor or because of any interest which he may have in any premises or property which is the subject of the order, or by reason of any other circumstances, may apply to a judge of the court in which the order was made for relief and the provisions of sections 5, 6 and 8 shall apply mutatis mutandis.

- 8. An application for review of any order made under Review section 6 or 7 may be made to a judge of the court in which the order was made by any person affected thereby and where the judge is of opinion that any of the relevant circumstances have been substantially altered he may vary such order or make such further order as he may deem proper.
- 9. No costs shall be allowed and no fees payable to the  $_{
  m or\ fees}^{
  m No\ costs}$ Crown, whether collected by law stamps or otherwise, shall be charged or collected upon any application, order or appeal under this Act.
- 10. The powers conferred by this Act shall be in addition Powers to to and not in derogation of any other powers of the judge.
- 11. In the calculation of time for the purposes of any Calculaprovision of The Limitations Act or any like provision, the time. time during which relief is provided under this Act in respect Rev. Stat.,

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of any relevant matter shall not run in favour of the person to whom such relief has been granted.

Application of Act.

12. This Act shall not apply to any proceedings by way of foreclosure, or sale under power of sale, execution or any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

Municipal tax sale not invalidated. Rev. Stat., c. 272.

**13**. A tax sale conducted by a municipality pursuant to the provisions of *The Assessment Act* shall not be invalidated by reason of the failure to include therein any property in respect of which an order has been made under this Act which has the effect of preventing the inclusion of such property.

Rules.

- 14. Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may make rules,—
  - (a) prescribing the particulars and the form thereof, to be furnished by an applicant for relief under any of the provisions of this Act;
  - (b) regulating the practice and procedure under this Act; and
  - (c) generally for the better carrying out of the provisions of this Act.

Commencement of Act.

15. This Act shall come into force on the day upon which is receives the Royal Assent.

Short title.

16. This Act may be cited as The Active Service Financial Protection Act, 1944.

#### CHAPTER 3.

#### An Act to provide Protection for Life Insurance Policies of Members of the Armed Forces.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act,—

Interpretation,—

- (a) "beneficiary" shall mean a person designated or "beneficiary" appointed as such pursuant to The Insurance Act, Rev. Stat., Rev. Stat.,
- (b) "Board" shall mean Active Service Life Insurance "Board"; Protection Board:
- (c) "dependent" shall mean a person who is dependent "dependupon a member of the forces for his livelihood or ent"; any substantial part thereof;
- (d) "insured" shall mean a member of the forces whose "insured"; life is insured under a policy and who was ordinarily resident in Ontario at the time he became a member of the forces:
- (e) "member of the forces" shall mean,—

"member of the forces";

- (i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty's naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein:
- (ii) any person who, having been called up pursuant to The National Resources Mobilization 1940, c. 13. Act, 1940, (Canada) and the regulations there-(Canada) under, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada, has volunteered to serve

on active service therein and has in consequence thereof been placed on active service;

(iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada) or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council

"Minister";

Rev. Stat., c. 256. (f) "Minister" shall mean the member of the Executive Council charged with the administration of The Insurance Act;

"policy";

- (g) "policy" shall mean a contract of life insurance within the meaning of *The Insurance Act*, other than group life insurance, issued by an insurer licensed under that Act where,—
  - (i) the policy is in force on a premium paying basis at the time application is made hereunder, and
  - (ii) the policy does not provide for payment of any sum less than the face amount thereof, or for payment of an additional premium, in the event the person whose life is insured engages in service in His Majesty's naval, military or air forces; and

"Treasurer".

(h) "Treasurer" shall mean Treasurer of Ontario.

Active Service Life Insurance Protection Board.

2. There shall be a Board to be known as the Active Service Life Insurance Protection Board composed of a chairman who shall be a judge of a county or district court, a person chosen to represent members of the forces, and an official of the Department of Insurance, who shall be appointed by and receive such remuneration and expenses as the Lieutenant-Governor in Council may determine.

Application for protection. 3. An insured, his beneficiary, a dependent of the insured, or a person designated by the insured may make application under this Act to the Board for the protection of this Act and such application shall be in the form prescribed by the regulations and verified by affidavit.

Notice, witnesses, production. 4. The Board shall have power to give all necessary directions with regard to service of notice and other matters

incidental to the application and shall have the same power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and of enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things as is vested in any court in civil cases.

- 5.—(1) The Board may deal with an application upon the Hearing of information contained therein and shall, if requested by the applicant, or if deemed necessary may hold a hearing and hear such evidence and representations as it deems proper and shall have full authority to determine all questions which may arise and if the Board is of opinion that the inability of the insured to pay his life insurance premiums is attributable to the fact that he is a member of the forces, the Board may make an order that the protection of this Act shall apply to order of any policy of the insured while he is a member of the forces and for such period thereafter, not exceeding one year, as it may deem proper and in such case shall make such provision as to payment of premiums or other charges by the Treasurer as may be necessary to maintain the policy in force during such period.
- (2) The Board shall designate in the order the policy or Designating policies of the insured, not exceeding a total of \$10,000 of entitled to insurance, entitled to the protection of this Act and shall protection. forthwith notify the insurer.
- (3) An order of the Board under this section made after Order to a hearing shall, subject only to review by the Board, be final and shall not be subject to appeal.
- **6.** The Board shall have the power when designating a Division of policy or policies under section 5, to direct any insurer to policies, divide the amount of insurance under any policy into two or more policies.
- **7.** Any policy designated and notified to the insurer as Policy not being entitled to the protection of this Act shall not, from the date application is made under this Act, lapse or otherwise terminate or be forfeited for the non-payment of premium or the non-payment of any indebtedness or interest until the termination of the period of protection specified in the order made under section 5.
- 8. Where a policy has been designated by the Board as Effect of protection entitled to protection under this Act,—
  - (a) the premiums and other charges payable in respect thereof under an order of the Board shall be paid by the Treasurer out of the Consolidated Revenue Fund:

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- (b) no dividend, bonus, loan, cash or other value shall be paid to the insured or anyone on his behalf during the period of protection except as provided in clause c:
- (c) where the policy matures as a death claim or otherwise during the period of protection, the insurer shall pay the amount due under the provisions of the policy to the persons entitled thereto after deducting the amount advanced by the Treasurer under clause a, together with interest at three per centum per annum, which amount shall be paid to the Treasurer and thereupon the insurer shall be fully discharged; and
- (d) where the policy does not mature during the period of protection and the insured has not at the termination of such period paid to the Treasurer the amount advanced under clause a together with interest at three per centum per annum, the insurer shall, to the extent of the cash surrender value of the policy less any indebtedness to the insurer thereunder, pay to the Treasurer the amount so advanced, or any unpaid balance thereof, with interest at three per centum per annum, and such payment by the insurer shall be deemed to be an advance to the persons entitled thereto under the terms of the policy.

Recovery of amount paid by Province. **9**. Any amount paid by the Treasurer under this Act to an insurer with respect to any policy shall be recoverable as a debt due by the insured under such policy to the Treasurer.

Board may review order. 10. The Board may review any order made under section 5 and where the Board is of opinion that any of the relevant circumstances have substantially altered it may vary such order or make such further order as it may deem proper.

Information concerning policies. 11. The Board may require such information from insurers or other persons concerning policies protected by this Act as it may deem necessary.

Annual report of Board.

12. The Board shall annually submit to the Minister a report of its operations and such report shall be submitted to the Legislature as soon as may be.

Regulations.

13. The Lieutenant-Governor in Council may make such regulations and prescribe such forms as may be necessary for the carrying out of the purpose and intent of this Act.

Remuneration and expenses of Board. **14.** The remuneration and expenses of the Board and all payments of premiums made by the Treasurer pursuant to this Act shall be paid out of the Consolidated Revenue Fund.

16. This Act may be cited as The Active Service Life Short title. Insurance Protection Act, 1944.

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#### CHAPTER 4.

An Act to amend The Active Service Moratorium Act, 1943.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause c of section 1 of *The Active Service Moratorium* 1943, c. 1. Act, 1943, is repealed and the following substituted therefor: re-nacted.
  - (c) "member of the forces" and "member" shall mean,— "member of the forces".
    - (i) any person who, having voluntarily offered himself for appointment to or enlistment in any of His Majesty's naval, military or air forces, has been appointed to or enlisted in such forces and has been placed on active service therein:
    - (ii) any person who, having been called up pursuant to The National Resources Mobilization 1940, c. 13, Act, 1940 (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty's naval, military or air forces raised in Canada, has volunteered to serve on active service therein and has in consequence thereof been placed on active service; and
    - (iii) any person mentioned in subclause i or ii who having been discharged from the forces, is receiving treatment under the Department of Pensions and National Health (Canada) or is in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.
- 2. Clause b of section 3 of *The Active Service Moratorium* 1943, c. 1, *Act*, 1943, is repealed and the following substituted therefor: \*\*e-anacted.

- (b) commenced or continued while the mortgagor, purchaser or other person who is a defendant is a member of the forces or within one year thereafter.
- 1943, c. 1, s. 5, subs. 1, amended.
- **3.** Subsection 1 of section 5 of *The Active Service Moratorium Act*, 1943, is amended by striking out the word "time" in the seventh line and inserting in lieu thereof the words "period during which the member is a member of the forces and not exceeding one year thereafter and", so that the said subsection shall now read as follows:

Order of judge.

- (1) Upon the hearing of the application if the judge is of opinion that the applicant's inability to make such payment or perform such other terms is attributable to the fact that he is a member of the forces, he may in his absolute discretion make such order as he deems proper, having regard to the position of all the parties, staying or postponing the action or proceeding for such period during which the member is a member of the forces and not exceeding one year thereafter and upon such terms and conditions as he thinks fit.
- 1943, c. 1, s. 14, repealed.

  4. Section 14 of The Active Service Moratorium Act, 1943, repealed.
- Commencement of Act. 5. This Act shall come into force on the day upon which it receives the Royal Assent.
- Short title. 6. This Act may be cited as The Active Service Moratorium

  Amendment Act. 1944.

#### CHAPTER 5.

#### An Act respecting Agricultural Committees.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.-

Interpreta-

- (a) "agricultural organization" shall include agricultural "agricultural co-operative, agricultural association, agricultural ganization"; society and agricultural club and any branch thereof;
- (b) "agricultural representative" shall mean an agricul-tural representative appointed under The Agricul-sentative"; sentative tural Representatives Act;
- (c) "Department" shall mean Department of Agricul-"Depart-ture; and
- (d) "Minister" shall mean Minister of Agriculture. "Minister".
- 2.—(1) A committee consisting of not more than fifteen Committee. persons may be formed in any county or district, and the name of every such committee shall bear the name of such county or district.
- (2) Where only one agricultural representative has been One Compaphing appointed for two counties or districts, one committee may two counties be formed for the two counties or districts.
- **3.**—(1) Where an agricultural representative in a county Organizator district receives written notice from any three or more tion. agricultural organizations within his county or district requesting the organization of an agricultural committee, he shall forthwith call a general meeting of representatives of the agricultural organizations in the county or district for the purpose of forming a committee.
- (2) At the meeting a committee of not more than thirteen selection of persons shall be selected by such mode as may be determined committee.

at the meeting for the current year or until their successors are selected and every agricultural organization shall be entitled to at least one representative on the committee, unless there are more than thirteen agricultural organizations represented at the meeting, in which event one person may be selected as the representative of two or more agricultural organizations.

Chairman vicechairman. (3) The committee so selected shall appoint an acting chairman and acting vice-chairman from among themselves and the agricultural representative shall be the acting secretary-treasurer of the committee.

Report to Minister. (4) A report of the meeting, certified by the acting chairman and the acting secretary-treasurer showing the names of the agricultural organizations represented at the meeting and the names and addresses of the persons selected as members of the committee, together with such other information as the Minister may require, shall be forwarded to the Minister within ten days after the holding of the meeting.

Committee declared agricultural committee. 4.—(1) Upon receipt of the report mentioned in section 3 the Minister may declare such committee to be an agricultural committee.

Members.

(2) The members of the committee shall be members of the agricultural committee and the agricultural representative shall be the secretary-treasurer.

Appointment of members, 5.—(1) One member may be appointed to the committee by the member or members of the Legislature whose electoral district or districts include any rural part of the county or district and such member shall hold office during pleasure.

in county;

(2) In the case of a county agricultural committee one member may be appointed annually by the county council.

in district.

(3) In the case of a district agricultural committee one member may be appointed by the Minister and shall hold office during pleasure.

Who to be members of committee.

**6.** No person shall be selected or appointed as a member of a committee except a farmer, farm woman, retired farmer, farm youth or an official of an agricultural organization.

Annual meeting.

7. The agricultural representative shall call an annual meeting of representatives of all agricultural organizations in the county or district and members of the agricultural committee for the ensuing year shall be selected and a chairman and vice-chairman shall be elected thereat in such manner as may be prescribed by the rules of the agricultural committee.

- 8. The objects and purposes of an agricultural committee purposes. shall be to.—
  - (a) co-operate with and make suggestions to the agricultural representative;
  - (b) consider and make recommendations to appropriate authorities with respect to soil conservation, reforestation, weed control, health of animals, plant diseases, crop production, marketing problems and other matters which are deemed advisable for the improvement of agriculture within the county or district;
  - (c) co-ordinate the undertakings of the various agricultural organizations in the county or district; and
  - (d) assist in promoting farm youth activities within the county or district.
- 9. The Minister may assign to any committee any matter Assignment or undertaking which he may consider of special interest to takings, agriculture.
- 10. An agricultural committee may initiate or promote Promotion any matter or undertaking for the purpose of improving agri- or undertaking.
- 11. Subject to the approval of the Minister an agricultural Registration committee may require producers of any agricultural product within the county or district to register their names and addresses with the secretary-treasurer and to furnish such information respecting the production other than cost, of such agricultural product as the agricultural committee may determine.
- 12. An agricultural committee may establish an executive Executive committee to consist of three or five members for such purposes as the committee may determine.
- 13. The Lieutenant-Governor in Council, upon the recom-Regulations. mendation of the Minister, may make such regulations as may be deemed necessary for carrying out the intent and purpose of the Act.
- 14. Subject to the approval of the Minister, the travelling Expenses of expenses of the members shall be paid out of such moneys as may be appropriated by the Legislature.
- 15. This Act shall come into force on the day upon which  $_{\rm ment\ of\ Act.}^{\rm Commence}$  it receives the Royal Assent.
- 16. This Act may be cited as The Agricultural Committees Short title Act, 1944.



#### CHAPTER 6.

#### An Act to amend The Apprenticeship Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 3 of *The Apprenticeship Act* is Rev. Stat., amended by inserting after the word "employers" where it subs. 1, occurs in the second and third lines respectively the words "or employees" and by striking out the word "direct" in the sixth line and inserting in lieu thereof the word "require", so that the said subsection shall now read as follows:
  - (1) Upon receiving a petition signed by at least twenty-Petition to five employers or employees in any trade or by not schedule less than twenty per centum of such employers or em-A or B. ployees where the total number in the Province does not exceed one hundred and twenty-five, asking to have such trade added to Schedule A or B as the petition may set forth, the Board shall require the Director to inquire into the matter of the petition and he shall make such investigation as may be deemed necessary to determine whether or not such trade shall be added to Schedule A or B.
- 2. Subsection 1 of section 15 of *The Apprenticeship Act* Rev. Stat. o. 192, s. 15, is amended by adding thereto the following clause: subs. 1, amended.
  - (bb) requiring all persons engaged in any designated trade, other than registered apprentices, to hold a current certificate of qualification, and prohibiting the employment in any designated trade of persons who have not complied with this requirement, but a regulation passed under this clause shall not apply to a person who within two years of the coming into force of the regulation satisfies the Provincial Advisory Committee that at the date of the coming into force of such regulation he had been engaged in

the trade for a period equal to the apprenticeship period.

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Short title. 3. This Act may be cited as The Apprenticeship Amendment Act, 1944.

#### CHAPTER 7.

#### An Act to amend The Assessment Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Assessment Act* is amended by desig-Rev. Stat. nating clause a as clause aa and by adding thereto the following amended. clauses:
  - (a) "Collector" shall mean a collector appointed under "Collector";
     The Municipal Act and where no such appointment is made, shall mean the treasurer;
  - (ee) "Department" shall mean Department of Municipal "Department";

    Affairs:
  - (kk) "Minister" shall mean Minister of Municipal "Minister". Affairs.
- 2. Paragraph 8 of section 4 of *The Assessment Act* is amended Rev. Stat., by adding at the end thereof the words "nor when used for para. 8, parking vehicles where a fee is charged for such parking", so amended. that the said paragraph shall now read as follows:
  - 8. Except as provided in sections 46 and 47, the property Municipal belonging to or leased by any county or municipality or vested in or controlled by any public commission wherever situate and whether occupied for the purposes thereof or unoccupied; but not when occupied by a tenant or lessee nor when used for parking vehicles where a fee is charged for such parking.
- 3. Subsection 6 of section 8 of *The Assessment Act* is Rev. 22.8-8, amended by striking out the symbol and figures "\$250" in subs. 6 amended.

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the third line and inserting in lieu thereof the symbol and figures "\$100", so that the said subsection shall now read as follows:

Minimum assessment.

(6) Where the amount of the assessment of any person assessable under this section would under the foregoing provisions be less than \$100, he shall be assessed for the sum of \$100.

Rev. Stat., c. 272, s. 42, subs. 1, re-enacted.

4. Subsection 1 of section 42 of *The Assessment Act* as amended by section 4 of *The Assessment Amendment Act*, 1939, is repealed and the following substituted therefor:

Exemption of farm lands from taxation for certain expenditures.

(1) In any city, town, village or township where lands, held and used as farm lands only and in blocks of not less than five acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of the municipality shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditures of the municipality incurred for waterworks, fire protection, garbage collection, sidewalks, pavements or sewers or the lighting, oiling, tarring, treating for dust or watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such expenditures or any of them.

Rev. Stat., c. 272, s. 44, subs. 1, amended.

**5.**—(1) Subsection 1 of section 44 of *The Assessment Act* is amended by striking out the words "tramways, street railways and electric railways" in the fifth line and inserting in lieu thereof the words "transportation systems", so that the said subsection shall now read as follows:

Assessment of lands of water, heat, light, power and transportation companies. (1) The property, by paragraph 5 of clause i of section 1, declared to be "land" which is owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies and persons operating transportation systems, and companies or persons transmitting oil or gas by pipe line, shall, in a municipality divided into wards, be assessed in the ward in which the head office of such company or person is situate, if such head office is situated in such municipality, but if the

head office of such company or person is not in such municipality, then the assessment may be in any ward thereof.

- (2) Subsection 4 of the said section 44 is amended by Rev. Stat., striking out the words "an electric railway" in the third and 5.272; s. 44, fourth lines and inserting in lieu thereof the words "a trans. amended. portation system", so that the said subsection shall now read as follows:
  - (4) Notwithstanding anything contained in this section Assessment or any other section of this Act, the structures, sub-tures, rails, structures, superstructures, rails, ties, poles and wires transportation system shall be liable to the same and taxation in the same manner and to the same extent as those of a steam railway are under the provisions of section 50 and not otherwise.
- **6.**—(1) Subsection 1 of section 46 of *The Assessment Act* Rev. Stat... is amended by striking out the words "railway, electric rail subs.1, way, street railway or tramway" in the fifth and sixth lines, amended. and inserting in lieu thereof the words "transportation system", so that the said subsection shall now read as follows:
  - (1) Land owned or leased by or vested in a municipal Assessment corporation or commission or in trustees or any other used by body acting for and on behalf of a municipal corpublic poration and used for the purpose of supplying water, light, heat or power to the inhabitants of the municipality, or for the purposes of a transportation system or telephone system shall be liable to assessment and taxation for municipal and school purposes in the municipality in which it is situate at its actual value, according to the average value of land in the locality.
- (2) Subsection 3 of the said section 46 is amended by Rev. Stat., striking out the words "an electric railway" in the third and subs. 3, 46, fourth lines and inserting in lieu thereof the words "a transportation system", so that the said subsection shall now read as follows:
  - (3) Notwithstanding anything contained in this section Tustain of restaurants, or in paragraph 8 of section 4, any restaurants, merry-go-rounds and switchback railways carried transportation on in connection with a transportation system owned, leased or operated by or for a municipal corporation or vested in or controlled by a commission on behalf of a municipal corporation, shall be assessable.

Rev. Stat., c. 272, s. 57a (1942, c. 34, s. 3, subs. 3), amended.

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7. Section 57a of The Assessment Act, as re-enacted by subsection 3 of section 3 of The Statute Law Amendment Act, 1942, and amended by section 2 of The Assessment Amendment Act, 1943, is further amended by adding thereto the following subsection:

Distribution. (5) Where taxes are levied under this section, the amount thereof shall be distributed among the bodies for which the council levies rates in the same proportion as the levy of each of such bodies bears to the total levy and in making such distribution each of such bodies shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes.

Rev. Stat., c. 272, s. 89, repealed.

8. Section 89 of The Assessment Act is repealed.

Rev. Stat., c. 272, s. 89a, subs. 1 (1940, c. 1, s. 5), amended.

9.—(1) Subsection 1 of section 89a of The Assessment Act, as enacted by section 5 of The Assessment Amendment Act, 1940, is amended by striking out all the words after the word "rolls" in the fifth line and inserting in lieu thereof the words "in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90", so that the said subsection shall now read as follows:

County

(1) Subject to the approval of the Department of Municipal Affairs, the council of every county may appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the municipalities in the county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors and shall report thereon to the county council before the 1st day of June in every year and such report shall form the basis for equalization under section 90.

Rev. Stat., c. 272, s. 89a (2) The said section 89a is further amended by adding (1940, c. 1, s. 5), thereto the following subsection:

Depart mental rules. (1a) The Minister may, subject to the approval of the Lieutenant-Governor in Council, by regulation prescribe rules for the guidance of county assessors and every county assessor shall conduct himself in accordance therewith.

- **10.** Subsection 1 of section 90 of *The Assessment Act* is Rev. Stat., amended by inserting after the word "valuations" in the fifth "c. 272; s. 90. line the words "of real property", so that the said subsection amended. shall now read as follows:
  - (1) The council of every county shall, yearly, and not annual examination later than the 1st day of July, examine the assess-of assessment rolls of the different townships, towns and ment rolls villages in the county, for the preceding financial for purpose of ascertaining whether the of equalization of real property made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate valuation for the whole county as made by the assessors.
- 11.—(1) Paragraph 4 of section 91 of *The Assessment Act* Rev. Stat., as re-enacted by subsection 1 of section 4 of *The Assessment* paragraphs, 91, as amended by striking out the words, 4 (1), "whole assessment of" in the eleventh line and inserting in amended. lieu thereof the words "valuations of real property made by the assessors in each municipality in", so that the said paragraph shall now read as follows:
  - 4. The Lieutenant-Governor in Council, upon receiving Appoint the notice in writing from the clerk of any county court by council may appoint three persons who shall form Council a court, and the said court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the appeal either with or without the evidence of witnesses or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the court shall equalize the valuations of real property made by the assessors in each municipality in the county and shall forthwith report the same to the county council.
- (2) Paragraph 8 of the said section 91 is amended by striking Rev. Stat., out the words "whole assessment of" in the eleventh and 5.272, 8.91, twelfth lines and inserting in lieu thereof the words "valuations amended, of real property made by the assessors in each municipality in", so that the said paragraph shall now read as follows:
  - Where all the parties to the appeal have agreed, as Equalization by above provided, to have the final equalization of the county assessment made by the county judge, the clerk of Judge.

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the county council shall forthwith notify in writing the county judge, and the county judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and the judge shall equalize the valuations of real property made by the assessors in each municipality in the county, and shall forthwith report the same to the county

Rev. Stat. c. 272, s. 91, para. 10, amended.

(3) Paragraph 10 of the said section 91 is amended by striking out the words "county valuators have" in the first and second lines and inserting in lieu thereof the words "a county assessor has", and by striking out the word "valuators" in the third line and inserting in lieu thereof the word "assessor", so that the said paragraph shall now read as follows:

Appeal in cases of equalization of assessment 10. The right of appeal shall exist whether a county assessor has been appointed or not, and upon any such appeal the report of the county assessor shall be open to review by the court or judge as herein provided.

Rev. St.t., c. 272, s. 93, amended.

**12.** Section 93 of *The Assessment Act* is amended by striking out the words "property equalized" in the fifth line and inserting in lieu thereof the words "real property as equalized and business assessments", so that the said section shall now read as follows:

Apportionment of county rates, how to be based. 93. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of real property as equalized and business assessments in the preceding year the basis upon which the apportionment is made.

Rev. Stat., c. 272, s. 94, amended.

**13**. Section 94 of *The Assessment Act* is amended by striking out the words "or valuator's" in the third line.

Rev. Stat., c. 272, s. 98, subs. 1, amended. 14. Subsection 1 of section 98 of *The Assessment Act* is amended by striking out the word "equalized" in the ninth line, and by inserting after the word "property" in the tenth line the words "as equalized", so that the said subsection shall now read as follows:

- (1) Notwithstanding anything in this Act or any other County not special or general Act contained, income assessments income of a local municipality forming part of a county shall assessment of a local municipality forming part of a county shall in equalization be included in any statement given to the county line equalization. Clerk, nor shall they be included in, but shall be excluded from, any valuation and equalization by a county council of rateable property in the county for any county purpose, and the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the assessment of real property as equalized and business assessments only in the county.
- **15.**—(1) Section 125 of *The Assessment Act* as amended by Rev. Stat., section 9 *The Assessment Act*, 1939, and section 6 of *The As* 6.272, s. 125, sessment Amendment Act, 1943, is repealed and the following substituted therefor:
  - 125.—(1) An application to the court of revision for the Abatement abatement or refund of taxes levied in the year in or refund. respect of which the application is made may be made by any person.—
    - (a) in respect of land which was vacant three months or more in the year; or
    - (b) in respect of a building which was razed by fire, demolition or otherwise in the year for the proportionate part of the taxes levied on the building assessment for the part of the year remaining after the building was razed;
    - (c) who is unable to pay taxes because of sickness or extreme poverty; or
    - (d) who is overcharged by reason of any gross or manifest error; or
    - (e) liable for business tax, who has not carried on such business for the whole year;

and the court of revision may reject the application or cancel or reduce the taxes or order a refund of the taxes or any part thereof.

- (2) The application may be made at any time during Time for the year and until the 31st day of March in the plication. following year and notice in writing of the application shall be given to the clerk of the municipality.
- (3) An appeal may be had to the county judge by the Appeal applicant or the municipality from the decision of

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the court of revision or where the court of revision has omitted, neglected or refused to hear or decide any appeal under this section and such appeal shall be a hearing *de novo*.

Restrictions, limitations, etc. (4) The amount of the abatement or refund of taxes under this section shall be subject to such restrictions and limitations and be applicable only to such classes of properties as are prescribed by the Department.

Occupant may be required to pay part (5) Where a person makes application for the abatement or refund of taxes in respect of a business assessment, the court of revision, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation, although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable, regard shall be had to the nature of the business carried on.

Commencement of section. (2) This section shall be deemed to have come into force on the 1st day of January, 1944, provided that nothing contained in this section shall affect the right of any person to make an application in the year 1944 where such application could have been made in such year but for the passing of this section.

Rev. Stat., c. 272, s. 162, amended. adding thereto the following subsection:

Purchase by munic pality. (4) Where an appropriation has been made for the purpose, the municipality may purchase lands under this section.

Rev. Stat. 17. Section 171 of *The Assessment Act* is amended by adding amended. thereto the following subsection:

Repairs.

(3) Where the purchaser is a municipality, it may make any expenditure necessary in order to keep the land in a proper state of repair or to insure the same and the amount thereof with interest as provided in section 147 may be added to the amount required to redeem the land, provided that the treasurer has sent at least one month before making such expenditure a notice containing the particulars of the proposed expenditure and an estimate of the cost thereof to each encumbrancer, if any, and to the

Proviso

registered owner by registered letter mailed to the address of such encumbrancer or owner if known to the treasurer and if such address is not known to the treasurer then to any address of such encumbrancer or owner appearing in the records of the registry office or sheriff's office.

- **18**. Section 181 of *The Assessment Act* is amended by Rev.Stat., adding thereto the following subsection:
  - (2) Notwithstanding subsection 1, a tax deed shall not be Declaration valid unless there is affixed thereto a statutory declaration of the treasurer that he has complied with subsection 2 of section 178, and such declaration shall form part thereof.
- 19. Section 203 of *The Assessment Act* is repealed and the Rev. Stat., 6c. 272, acc. 272, acc.
  - 203. Every municipal council in paying over any rate where deto a body for which it is required by law to levy decurs. rates shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes and where any deficiency is caused by the abatement of, refund or inability to collect taxes, the council shall charge back a proportionate share thereof to every such body.
- 20. The Assessment Act is amended by adding thereto the Rev. Stat., following section:
  - 239. Where any person or real property is by this or any Grants in other Act exempt or partly exempt from taxation lieu of under this Act and a grant in lieu of the taxes which would otherwise be payable is made to the municipal corporation in any year, the amount of such grant shall be distributed by the council to each of the bodies for which the council is required by law to levy rates in such year in the same proportion as the levy of each of such bodies bears to the total levy.
    - (a) In this section the bodies to share in the distribution shall be the bodies to which the taxes of such person or real property would have been applied if such person or real property had not been exempt or partly exempt.
- 21. This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 22. This Act may be cited as The Assessment Amendment Short title. Act, 1944.

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### CHAPTER 8.

The Cheese and Hog Subsidy Act, 1944.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Notwithstanding anything contained in section 6 of 1944, c. 12 The Cheese and Hog Subsidy Act, 1941, The Cheese and Hog in force. Subsidy Act, 1942, or The Cheese and Hog Subsidy Act, 1943, page, c. 5; all the provisions of The Cheese and Hog Subsidy Act, 1941, 1943, c. 3; shall continue in force and have effect until the 31st day of March, 1945.
- 2. This Act shall come into force on the day upon which it Commence-receives the Royal Assent and shall have effect on and after the 1st day of April, 1944, and shall remain in force and have effect until the 31st day of March, 1945.
- 3. This Act may be cited as The Cheese and Hog Subsidy Short title. Act, 1944.



## CHAPTER 9.

# An Act to amend The Children of Unmarried Parents Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

- 1. The Children of Unmarried Parents Act is amended by Rev. Stat., c. 217, amended. adding thereto the following section:
  - 26a.—(1) The judge shall have the power of summoning Evidence. any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite and shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.
  - (2) The fees payable to witnesses shall be upon the scale Witness fees. of fees allowed to witnesses in an action in the county court.
- 2. This Act may be cited as The Children of Unmarried Short title. Parents Amendment Act, 1944.



## CHAPTER 10.

An Act to amend The Children's Protection Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Subsection 2 of section 13 of *The Children's Protection* Rev. Stat., o. 312, s. 13, subs. 2, re-enacted.
  - (2) The society may place the child in a foster home dur. Society may place ing minority, or for any shorter period, upon such bild in terms and conditions as may be agreed upon and foster home. every such agreement heretofore or hereafter entered into, whether written or oral, shall be deemed to provide.—
    - (a) that the child shall receive an education in accordance with the law of Ontario;
    - (b) that the child shall be taught some useful occupation;
    - (c) that the child shall receive kind and proper treatment as a member of the family; and
    - (d) that the society may at any time withdraw the child from any person having the custody of the child when, in the opinion of the society or the Superintendent, the welfare of the child so requires.
- 2. This Act may be cited as The Children's Protection Short title. Amendment Act, 1944.



## CHAPTER 11.

An Act respecting the Practice of Chiropody.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,-

Interpreta-

- (a) "Board" shall mean Board of Regents appointed "Board" under this Act;
- (b) "chiropodist" shall mean a person other than a duly "chiropoqualified medical practitioner who practises or advertises or holds himself out in any way as practising the treatment of any ailment, disease, defect or disability of the human foot; and
- (c) "regulations" shall mean regulations made under the "regulations". authority of this Act.
- 2.—(1) There shall be established a board to be known as Board of the Board of Regents to be composed of five persons to be established appointed by the Lieutenant-Governor in Council.
- (2) Of the members of the Board first appointed, two shall Term of hold office for a period of two years and three shall hold office for a period of one year, and thereafter every member appointed shall hold office for a period of two years, but any member shall be eligible for reappointment at the expiration of his term of office.
- (3) Every vacancy on the Board caused by the death, Vacancies resignation or incapacity of a member shall be filled by the appointment of a person to hold office for the remainder of the term of such member.
- (4) The Lieutenant-Governor in Council shall designate Chairman, from time to time one of the members to be chairman, one to man and be vice-chairman and one to be secretary-treasurer of the secretary-treasurer. Popard.

3.

Regulations. 3. The Board with the approval of the Lieutenant-Governor in Council may make regulations,—

- (a) for the admission of chiropodists to practise in Ontario and for the registration of all persons so admitted:
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) for maintaining a register of persons so admitted to practise and providing for the annual renewal of registration and prescribing the fees payable thereon;
- (d) prescribing the discipline and control of registered chiropodists;
- (e) for designating the manner in which any person registered under this Act may describe his qualification or occupation and prohibiting the use of any title, affix or prefix which in the opinion of the Board is calculated to mislead the public as to the qualification of any such person and for allowing the use of any affix or prefix not forbidden by section 49 of The Medical Act which in the opinion of the Board will correctly describe the qualification or occupation of such person;

Rev. Stat., c. 225.

- (f) for the investigation of any complaint that a registered chiropodist has been guilty of misconduct or displayed such ignorance or incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (g) for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been ignorant or incompetent;
- (h) generally for the better carrying out of the provisions of this Act.

Act not to authorize general practice of medicine.

- **4**. Nothing in this Act or the regulations shall authorize any chiropodist
  - (a) to administer any drug internally or to prescribe any drug for use internally;
  - (b) to administer an anesthetic other than a substance applied externally to the skin; or

(c) to practice medicine, surgery or midwifery;

but nothing herein contained shall prevent the treatment by a registered chiropodist of the morbid conditions of the nails and skin and resulting minor morbid conditions of the subcutaneous tissues of the human foot.

- 5. Every person who, not being registered as a chiropodist Penalty for under this Act or who having been so registered and whose practice. registration has been cancelled or is under suspension, practises or holds himself out as practising as a chiropodist within the meaning of this Act, or who advertises or uses or affixes any prefix to his name signifying that he is qualified to practise as a chiropodist within the meaning of this Act shall be guilty of an offence and shall incur a penalty, to be recoverable under The Summary Convictions Act, not exceeding \$100 and Rev. Stat.. upon conviction for a subsequent offence within a period of o. 136. two years after such first conviction shall be imprisoned for a period not exceeding three months.
- **6.**—(1) In all cases where proof of registration under this Proof of Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered chiropodists in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purported to be signed by any person in his capacity of secretary-treasurer of the Board under this Act, shall be **prima facie** evidence that such person is the secretary-treasurer without any proof of his signature or of his being in fact the secretary-treasurer.
- (2) The absence of the name of any person from such copy Evidence shall be *prima facie* evidence that such person is not registered registration according to the provisions of this Act.
- (3) In the case of any person whose name does not appear Omnasson of in such copy, a certified copy under the hand of the secretary-copy, treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.
  - 7. Nothing in this Act contained shall apply to or affect,—Saving.
    - (a) the practice of any profession or calling by any practising person practising the same under the authority of Acts;
       any general or special Act of this Legislature;

nurses;

 (b) any nurse acting in the absence of, or under the prescription or direction of a legally qualified medical practitioner;

first aid;

(c) the furnishing of first aid or temporary assistance in cases of emergency:

treating by prayer.

(d) persons treating human ailments by prayer or spiritual means as an enjoyment or exercise of religious freedom.

Compliance with other statutes no affected. 8. Nothing in this Act or the regulations shall be taken or deemed to relieve any person from compliance with the provisions of *The Public Health Act* or *The Vaccination Act* or any amendment to either of them, or from compliance with the provisions of *The Vital Statistics Act* or any amendment thereto or from any legal duty to provide for the treatment of any person by a legally qualified medical practitioner.

Rev. Stat., cc. 299, 300, 88. Penalties, how recoverable. Rev. Stat., c. 136.

**9**. Penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

Short title

10. This Act may be cited as The Chiropody Act, 1944.

### CHAPTER 12.

## An Act to amend The Commissioners for taking Affidavits Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Section 7a of The Commissioners for taking Affidavits Rev. Stat.. Act as enacted by section 1 of The Statute Law Amendment Act, (1989, (1989). 1939 (No. 2), is amended by striking out the words "major or and less to officer of higher command" in the second and third lines and amended. inserting in lieu thereof the words "commissioned officer", so that the said section shall now read as follows:
  - 7a. An affidavit for use in Ontario may be sworn within Taking affidavits or without Ontario before a commissioned officer on etc., before active service in the military, naval or air forces of of His His Majesty and shall be as valid and effectual and Majesty's of like force and effect to all intents and purposes as if it had been sworn in Ontario before a commissioner for taking affidavits therein.
- 2. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 3. This Act may be cited as The Commissioners for taking Short title. Affidavits Amendment Act. 1944.



## CHAPTER 13.

An Act to amend The Credit Unions Act, 1940.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 of section 15 of *The Credit Unions Act*, 1940, is repealed and the following substituted therefor:

  \*\*Substituted Therefor: \*\*Substit
  - (2) Subject to the approval of the Minister, a credit union by may by resolution approved by two-thirds of the resolution, members present at a general meeting called for that purpose, change its name.
- 2. Clause a of section 25 of The Credit Unions Act, 1940, 1940, is repealed and the following substituted therefor:
  - (a) the names and addresses of the members and the number of shares held by each member.
- **3.** Subsection 1 of section 27 of *The Credit Unions Act, 1940*, 1940, c. 7. s. 27, subs. 1, is amended by adding at the end thereof the following words: amended.

"provided that where at the close of any fiscal year the amount set aside for the guarantee fund equals at least ten per centum of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of two-thirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year."

so that the said subsection shall now read as follows:

(1) Every credit union shall set aside at least twenty Guarantee per centum of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectible loans and losses, pro-proviso. vided that where at the close of any fiscal year the amount set aside for the guarantee fund equals at

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least ten per centum of the total amount received from members on deposit and as payment for shares, the directors may, subject to the approval of twothirds of the members present at the annual meeting, direct that no moneys be set aside for the guarantee fund for the then current year.

1940, c. 7, s. 30, amended. 4. Section 30 of *The Credit Unions Act, 1940*, is amended by adding thereto the following subsection:

When approval not required.

(3) The committee may upon such terms as it may determine authorize the treasurer or manager to make loans in amounts not exceeding twenty-five dollars for periods of not exceeding one month without obtaining the approval of the committee.

1940, c. 7, s. 35, re-enacted 5. Section 35 of *The Credit Unions Act, 1940*, is repealed and the following substituted therefor:

Borrowing money.

35. The board of directors of a credit union may pass resolutions for borrowing money, provided that nothing in this section or sections 36 to 38 shall apply to loans made upon the security of promissory notes, bills of exchange, or other securities of a commercial nature issued in the ordinary course of business.

1940, c. 7, ss. 39, 40, re-enacted. **6.** Sections 39 and 40 of *The Credit Unions Act, 1940*, and the heading immediately preceding the said sections are repealed and the following substituted therefor:

## Death of Member.

Member may appoint successor. 39.—(1) A member of a credit union, having on deposit and as payment for shares, an amount not exceeding \$500 may, by a writing signed by him and deposited with the credit union, nominate any person to receive the money at his death.

Substitution of nominee on death of member. (2) Upon receiving an affidavit of the death of a member the directors of the credit union may substitute on the books of the credit union the name of the nominee in place of the deceased member or may immediately pay to the nominee the amount due to the deceased member.

Disposition of moneys of intestate member.

40.—(1) If a member of a credit union, having on deposit and as payment for shares, an amount not exceeding \$500 dies intestate without making a nomination as provided in section 39, the amount may, without letters of administration being taken out, be paid to

the person who appears to the directors to be entitled thereto under *The Devolution of Estates Act* upon Rev. Stat.. receiving an affidavit of the death and intestacy and c. 163. that the person claiming is so entitled.

- (2) When the directors, after the death of a member, Payment by have paid such amount to the person who at the time when valid. appeared to be entitled thereto under the belief that the member died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demands from any other person as next of kin or as the lawful representative of the deceased against the credit union, but the next of kin or representative shall be entitled to recover the amount of such payment from the person who received it.
- **7.** Clauses g, i and j of subsection 3 of section 41 of The 1940, c. 7. s. 41, subs. 3, cls. g, i and j of subsection 3 of section 41 of The 1940, c. 7. s. 41, subs. 3, cls. g, i and g repealed.
- 8. This Act may be cited as The Credit Unions Amendment Short title. Act, 1944.



### CHAPTER 14.

## An Act to amend The Crown Timber Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Crown Timber Act is amended by adding thereto Rev. Stat., the following section:
  - 3a.—(1) Every licensee who removes any timber or causes Removing any timber to be removed from the land described timber in the license before it has been scaled by an officer scaling of the Department shall be guilty of an offence and liable to a penalty of not less than an amount equal to twice the amount payable to the Crown under this Act in respect of such timber and not more than an amount equal to five times the amount so payable.
  - (2) The penalties provided by this section may be Recovery of recovered in the manner prescribed by The Summary Rev. Stat., Convictions Act.
- **2.**—(1) Subsection 2 of section 19 of *The Crown Timber* Rev. Stat., *Act* is amended by striking out all the words after the word subs. 2. "return" in the second line and inserting in lieu thereof the amended words "shall be guilty of an offence and liable to a penalty of not less than \$100 nor more than \$500", so that the said subsection shall now read as follows:
  - (2) Every person who refuses or neglects to furnish such Consequence return shall be guilty of an offence and liable to a of failure penalty of not less than \$100 nor more than \$500.
- (2) The said section 19 is amended by adding thereto the Rev. Stat., 6.36, s. 19, amended.
  - (3) The penalties provided by this section may be Recovery of recovered in the manner prescribed by *The Summary* Rev. Stat., Convictions Act.
- 3. This Act may be cited as The Crown Timber Amendment Short title. Act, 1944.



## CHAPTER 15.

## An Act to amend The Department of Municipal Affairs Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

IS MAJESTY, by and with the advice and consent of The Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Department of Municipal Affairs Act is amended by Rev. Stat., c. 59, amended. adding thereto the following section:
  - 43a. Where land is vested in a municipality under section Repairs, 43, any expenditure necessary to keep the land in a etc proper state of repair or to insure the same may be made by the treasurer and the amount thereof with interest as provided in section 147 of The Assessment Act may be added to the amount required to redeem Rev. Stat., c. 272. the land, provided that the treasurer has sent by c. 272. registered mail at least one month before making Proviso. such expenditure a notice containing particulars of the proposed expenditure and an estimate of the cost thereof to the last known address of the assessed owner of the land and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein.
- 2. This Act shall come into force on the day upon which it Commencement of Act. receives the Royal Assent.
- 3. This Act may be cited as The Department of Municipal Short title. Affairs Amendment Act, 1944.



## CHAPTER 16.

# An Act respecting the Department of Planning and Development.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act.—

Interpre

- (a) "Department" shall mean Department of Planning "Department"; and Development;
- (b) "Minister" shall mean Minister of Planning and 'Minister". Development.
- 2. There shall be a department of the public service of Department Ontario to be known as the Department of Planning and and Development over which the Minister shall preside and have ment. charge.
- 3. The Minister shall collaborate with the Ministers having Duties of charge of the other departments of the public service of Minister. Ontario, with the Ministers having charge of the departments of the public service of the Dominion and of other provinces, with municipal councils, with agricultural, industrial, labour, mining, trade and other associations and organizations and with public and private enterprises with a view to formulating plans to create, assist, develop and maintain productive employment and to develop the human and material resources of the Province and to that end shall co-ordinate the work and functions of the departments of the public service of Ontario.
- 4. The Minister shall be responsible for the administration Responsion such Acts and regulations made thereunder as may be Minister, assigned to him by the provisions thereof or by the Lieutenant-Governor in Council.
- 5. The expenses of the Department in carrying out its Expenses of bepart-objects shall be paid out of such moneys as may be appro-ment. priated therefor by the Legislature.

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Inquiries.

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**6.**—(1) The Minister may appoint any person or persons to inquire into any matter relating to the scheme and purpose of this Act and to collect such information and make such report as he deems advisable.

Powers of person holding inquiry.

(2) Any person or persons appointed to inquire into any matter under subsection 1 shall have the power to summon any person and to require him to give evidence on oath and to produce such documents and things as may be requisite, and the person or persons so appointed shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Commencement of Act. 7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as The Department of Planning and Development Act, 1944.

### CHAPTER 17.

# An Act respecting the Guardianship of the Dionne Ouintuplets.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,-

Interpre-

- (a) "Court" shall mean the Supreme Court of Ontario:
- (b) "Guardian" shall mean Oliva Dionne in his capacity "Guardian"; as guardian of the quintuplets and shall be distinguished from "guardians" which shall include persons who have been guardians during the period commencing the 1st day of April, 1942, and concluding the 30th day of June, 1944;
- (c) "Master" shall mean Master of the Supreme Court "Master"; of Ontario and shall include an assistant master: and
- (d) "quintuplets" shall mean Yvonne Dionne, Annette "quintu-Dionne, Marie Dionne, Cecile Dionne and Emilie plets Dionne, the quintuplet daughters of Oliva Dionne and Elzire Dionne, who were born on the 29th day of May, 1934.
- 2. The father of the quintuplets, Oliva Dionne, shall be Guardian. their Guardian from and after the 1st day of July, 1944, and until they reach the full age of twenty-one years.
- 3.-(1) The accounts of the guardians for the period from Accounts the 31st day of March, 1942, which is the concluding day of of guardians. the last period for which accounts were passed, to the 30th day of June, 1944, shall not later than the 31st day of July, 1944, be brought before the Master for the purpose of making a just and true accounting of their guardianship.

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- (2) The guardians shall be fully discharged and freed from all claims and demands connected with or arising out of their guardianship upon,-
  - (a) the confirmation of the Master's report pursuant to the practice of the Court in that behalf;
  - (b) the deposit with the accountant of the Court of all contracts and documents of title belonging to the quintuplets, which shall be held in safe keeping by the accountant for the quintuplets; and
  - (c) the payment into Court of all bonds, securities and moneys belonging to the quintuplets, which shall be deposited to the credit of the quintuplets.

Orders

4. The Master may make all such orders and give all such directions as may be requisite in connection with the transfer of the assets and the winding up of the guardianship now in existence.

Contracts.

5. The Guardian may, with the approval of the Master, enter into any contract or renew any existing contract relating to the quintuplets and all moneys payable under any such contract or renewal shall be paid into court to the credit of the quintuplets.

statement of

6.—(1) The Guardian shall annually prepare a detailed statement showing all amounts which will be required for the purposes of the quintuplets during the ensuing year and may make application to the Master for recommendations for payment out of court of such amounts as may be required.

Recommen-

(2) The recommendation of the Master shall be reviewed Master to be by a judge of the Court in Chambers and payment out of Court may be ordered of such amounts as are deemed neces-

Notice of

7. At least ten days' notice in writing of any application made to the Master under section 5 or 6 shall be given to the Official Guardian.

interest in

8. Each of the quintuplets shall be deemed to be the owner, separately and in her own right, of a one-fifth undivided interest in any property belonging to the quintuplets or to which they are or may become entitled.

1935, c. 19; 1937, c. 19; 1941, c. 55, s. 9, re-pealed,

9. Except so far as may be necessary for the auditing and passing of the accounts and the transfer of assets to the Guardian and any like purpose, The Dionne Quintuplet Guardianship Act, 1935, The Dionne Quintuplet Guardianship Amendment Act, 1937, and section 9 of The Statute Law Amendment Act, 1941, are repealed as from the 1st day of July, 1944.

- 10. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.
- 11. This Act may be cited as The Dionne Quintuplet Short title. Guardianship Act, 1944.



## CHAPTER 18.

## An Act to amend The Executive Council Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 2 of *The Executive Council Act* is amended by Rec. 11, 82 inserting after the word "Affairs" in the ninth line the words amended. "a Minister of Planning and Development", so that the said section shall now read as follows:
  - 2. The Lieutenant-Governor may appoint under the Heads of Great Seal from among the Ministers of the Crown the following Ministers to hold office during pleasure: a President of the Council, an Attorney-General, a Secretary and Registrar, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health, a Minister of Public Welfare, a Minister of Municipal Affairs, a Minister of Planning and Development, and such other Ministers as he may see fit, and may by Order-in-Council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.
- 2. This Act shall come into force on the day upon which Commence it receives the Royal Assent.
- 3. This Act may be cited as The Executive Council Amend-Short title. ment Act, 1944.



## CHAPTER 19.

# An Act to amend The Factory, Shop and Office Building Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Clause a of section 1 of *The Factory*, Shop and Rev. Stat., Office Building <math>Act is amended by striking out the words "orel." sale" in the third line, so that the said clause shall now read amended. as follows:
  - "Bakeshop" shall mean any building, premises, work-"Bakeshop" shop, structure, room or place wherein is carried on the manufacture of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials.
- (2) The said section 1 is amended by adding thereto the Rev. Stat., following clause:

  the Rev. Stat., 6. 194, 8. 1, amended.
  - (aa) "Bodily injury" shall include injury to health.

"Bodily injury".

- (3) Subclause iii of clause e of the said section 1 is repealed Rev. Stat., c. 194, and the following substituted therefor:

  s. 1, cl. e, subcl. iii, re-enaction.
  - (iii) any building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof, or the altering, repairing, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing and shall include a plant used for the maintenance of aircraft, locomotives and vehicles used for transport purposes.

Rev. Stat., c. 194, s. 1, cl. o, amended. (4) Clause o of the said section 1 is amended by adding at the end thereof the words "and shall include a bowling alley, pool room and billiard parlour", so that the said clause shall now read as follows:

"Shop".

(o) "Shop" shall mean any building or a portion of a building, booth, stall or place where goods are handled or exposed or offered for sale, and any such building or portion of a building, booth, stall or place where services are offered for sale or where goods are manufactured and which is not a factory to which this Act applies, and shall include a bowling alley, pool room and billiard parlour.

Rev. Stat. 2. Section 13 of The Factory, Shop and Office Building Act re-enacted. is repealed and the following substituted therefor:

Plans to be sub13.—(1) Before commencing the erection of any building or the alteration of any existing building which it is intended to use as a factory, or where the building or proposed building is over two storeys in height and is intended to be used as a shop, bakeshop, restaurant or office building, the owner shall submit to the Chief Inspector drawings and specifications, in duplicate, of such building or of the proposed alterations thereto and the Chief Inspector shall examine them and if they comply with the requirements of this Act and the regulations he shall certify his approval thereon and the owner shall proceed with the erection or alterations only in accordance with the drawings and specifications as so certified.

Sufficiency of plans,

(2) The drawings and specifications shall be sufficient to enable the Chief Inspector to obtain full and complete information as to the extent and character of the proposed work and one copy shall be returned to the owner and the other shall be retained in the Department of Labour.

Penalty.

(3) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than \$20 nor more than \$200 and in default of payment thereof shall be liable to imprisonment for a period of not more than twelve months.

Rev. Stat.,  $a_{c.\,191,\,8.\,161}$  3. Section 16 of *The Factory, Shop and Office Building Act* re-enacted, is repealed and the following substituted therefor:

Appointment of inspectors and Chief Inspector. 16. The Lieutenant-Governor in Council may for the purpose of carrying out this Part appoint as many inspectors, male or female, as may be deemed necessary, one of whom he may designate as Chief Inspector who shall have the general supervision and direction of the other inspectors and the carrying out of the provisions of this Part.

- 4. The Factory, Shop and Office Building Act is amended Rev. Stat., by adding thereto the following section:
  - 16a. The Lieutenant-Governor in Council may make Regulations. regulations,—
  - (a) prescribing the nature of drawings and specifications to be submitted under this Act or the regulations and by whom such drawings and specifications shall be prepared or certified;
  - (b) prescribing fees payable upon the approval of drawings and specifications by the Chief Inspector;
  - (c) for the protection of the health, safety and welfare
    of persons employed in any factory, shop, bakeshop,
    restaurant or office building; and
  - (d) for the better carrying out of the provisions of this Part.
- 5. Section 34 of The Factory, Shop and Office Building Act Rev. Stat., c. 194, s. 34, re-enucted
  - 34.—(1) In every factory or shop the employer shall,—
    - (a) if the inspector so directs in writing, prohibit Meals where any person from taking meals in any rooming going on. in which any manufacturing process is being carried on.
    - (b) if thirty-five or more females are employed, Eating or if the inspector so directs in writing, provide a room, together with the necessary equipment in the factory or shop or the precincts thereof, satisfactory to the inspector for the purposes of an eating room for persons employed in the factory or shop, and no part of the expense of providing such room and equipment shall be payable by or chargeable to the wages of the employees.
  - (2) In a factory or shop no person shall take or be Food and allowed to take food into any room where paint, water. varnish, dye, white lead, arsenic or any other poisonous substance is exposed, or where deleterious

3 fumes

Rev. Stat., c. 194, s. 38, subs. 1, re-enacted.

- **6.**—(1) Subsection 1 of section 38 of *The Factory, Shop and Office Building Act* is repealed and the following substituted therefor:
  - (1) In a factory, shop, bakeshop, restaurant or office, the employer shall provide,—

Pact rooms

(a) where ten or more females are employed, a rest room or other space affording reasonable privacy, together with one or more couches or cots, and chairs, satisfactory to the inspector; and

Matron.

(b) where thirty-five or more females are employed, or when deemed necessary by the inspector, a matron or female supervisor to have charge of the welfare of the female employees.

Rev. Stat., c. 194, s. 38, subs. 2, amended. (2) Subsection 2 of the said section 38 is amended by inserting after the figure "1" in the first line the words "or any part thereof", so that the said subsection shall now read as follows:

Exemptions.

(2) Subsection 1 or any part thereof shall not apply to any case where, owing to the nature of the occupation or for other reasons, the Chief Inspector dispenses with compliance therewith in writing signed by him.

Rev. Stat. 6. 194, 8. 39, T. Clause a of subsection 1 of section 39 of The Factory, subs. 1, cl. 4. Shop and Office Building Act is repealed and the following substituted therefor:

Toilet

(a) provide toilet rooms for male and female employees with separate approaches thereto and clearly painted signs indicating for which sex the toilet rooms are provided, and such toilet rooms shall be equipped with one water-closet and one urinal for every twentyfive male employees and one water-closet for every fifteen female employees and every such water-closet shall be separated from the others by partitions, but where a municipal water supply is not available sanitary privies, chemical or other type of closets suitable to the inspector, may be substituted for water-closets:

Wash rooms

(aa) provide separate wash rooms for male and female employees with separate approaches thereto and

clearly painted signs indicating for which sex the rooms are provided and they shall be equipped with wash basins or equivalent washing facilities satisfactory to the inspector, connected to a source of hot and, cold water with one wash basin or the equivalent for every fifteen employees.

- **8.**—(1) Subsection 1 of section 41 of *The Factory, Shop and* Rev. Stat.. Office Building Act is repealed and the following substituted subs. 1, therefor:
  - (1) The employer of every factory, shop, bakeshop or Sanitary restaurant shall.—
    - (a) keep it in a clean and sanitary condition and Removal free from any effluvia arising from refuse of any kind, and remove, at least daily, by a suitable method, all accumulations of dirt and refuse from the floors, work tables, passages and stairways, and keep all windows and skylights, as far as practicable, clean on both the inner and outer surfaces and free from obstructions:
    - (b) keep toilet rooms and washrooms, water-Cleanliness closets, urinals or other sanitary conveniences rooms. in good repair and in a sanitary condition, and keep closets separated for male and female employees and provide conveniences to the satisfaction of the inspector for the employees using them;
    - (c) heat the premises throughout and regulate the Temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees, but in no case shall the temperature be less than sixty-eight degrees Fahrenheit unless authorized by the inspector in writing;
    - (d) ventilate the factory, shop, bakeshop or res-Ventilation. taurant in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gasses, vapours, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health;
    - (e) not allow overcrowding while work is carried overcrowding.
       on therein so as to be injurious to the health

of the persons employed therein, the standard to be allowed being three hundred cubic feet of room space for each employee;

Towels, soap and conveniences. (f) provide and maintain for the use of the employees a convenient and sufficient supply of individual clean towels, soap, toilet paper and in each toilet room used by females a suitable covered receptacle;

Damp floors

(g) if the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person employed therein is likely to be endangered, see that adequate means are provided for the proper draining of such floors;

Drinking water. (h) provide a satisfactory supply of safe drinking water and such supply of drinking water shall be, when not taken directly from a waterpipe, contained in a suitable covered vessel having a drain faucet, and shall be renewed at least daily, and the employer shall provide, except when the water is delivered in an upward jet from which the employees can conveniently drink, a sufficient supply of individual drinking cups, and the faucet or jet for such drinking water shall be at least eight feet distant from any closet or urinal;

tion for clothing.

(i) provide suitable accommodation for clothing not worn by employees during working hours and for work clothes which must be dried or be cleaned or be kept separate from street clothes due to the presence of poisonous, infectious or irritating materials.

Rev. Stata. (2) Subsection 2 of the said section 41 is repealed and the subs. (2) Following substituted therefor:

Showers and washbasins. (2) The employer of every foundry and other factory wherein the health of the employees, in the opinion of the inspector, is likely to be endangered by the presence of poisonous, irritating or infectious materials or gasses or by extremes of temperature or humidity shall provide such shower baths and wash basins, in addition to those required under section 39, supplied with sufficient hot and cold water as the inspector may deem necessary. (3) Subsection 7 of the said section 41 is repealed and the Rev. Stat., 0.194, 8, 41, subs. 7.

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- (7) The Lieutenant-Governor in Council may make Regulations regulations requiring the employer of a factory, facilities, shop, bakeshop, restaurant or office to provide actilities, shown expense a suitable room or rooms with adequate equipment and supplies for rendering first aid in accidents and sickness and for the supervision of the general health of the employees during working hours.
- 9.—(1) Clause c of subsection 1 of section 42 of The Factory, Rev. Stat... Shop and Office Building Act is repealed and the following substituted therefor:
  - (c) provide and maintain for the use of persons employed therein the conveniences indicated in clauses f and h of subsection 1 of section 41.
- (2) Subsection 2 of the said section 42 is amended by Rev. Stat., striking out the words "privies, closets or" in the first line saids, 2, 12, and inserting in lieu thereof the word "water-closets", so that "mended, the said subsection shall now read as follows:
  - (2) Where in an office building the water-closets, urinals once or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences are situate in that part of the building occupied by and under the control of a Convenience employer, it shall be the duty of such ences. employer to keep the same in good repair and in a sanitary condition.
- 10. Subsection 1 of section 50 of *The Factory*, *Shop and* Rev. Stat... 0.194, s. 50, Office Building Act is repealed and the following substituted substituted substituted therefore:
  - (1) Young girls and women in a factory shall during Female working hours wear a close-fitting cap or other to wear suitable headgear which shall entirely confine their hair so as to avoid contact with machinery, shafting, belting or any material being handled.
- 11. Section 51 of *The Factory, Shop and Office Building Act* (Re. St., is repealed and the following substituted therefor: re-enacted.
  - 51.—(1) No youth, young girl or woman shall be allowed Youths, by the employer of a factory, shop or bakeshop,—

    and women around dangerous

(a) machi

- (a) to clean any part of the machinery in a factory which is mill-gearing while the machinery is in motion;
- (b) to work between the fixed and traversing part of any self-acting machine while the machine is in motion:
- (c) to work at any machine without first having received adequate instruction upon its operation and any dangers connected therewith; or
- (d) to work at any machine without adequate supervision by a person having thorough knowledge of and experience with the machine.

Contravention.

- (2) Any factory, shop or bakeshop in which a youth, young girl or woman is allowed to clean or work in contravention of this section shall be deemed to be kept so that the safety of persons employed therein is endangered.
- 12. The Factory, Shop and Office Building Act is amended amended by adding thereto the following section:

Intexicate rersons.

- 51a. No person under the influence of or having in his possession any intoxicating liquor shall enter or be in any factory.
- Hev. Stat., C. 191, S. 33, Te enacted. referenced.

  13. Subsection 2 of section 53 of The Factory, Shop and Office Building Act is repealed and the following substituted therefor:

Dangerous fumes; extreme temperatures.

- (2) No person shall be allowed to enter a tank, chamber, pit, pipe, flue or other confined space in which dangerous fumes, dusts or extreme temperatures are liable to be present in any factory unless,—
  - (a) such confined space has a manhole or other means to easy egress and has been thoroughly ventilated and tested to be safe for entry;
  - (b) such person is wearing suitable breathing apparatus and a belt to which there is securely attached a rope the free end of which is held by a person outside the confined space;
  - (c) when deemed necessary by the inspector, there is conveniently available suitable reviving apparatus and a person trained in the operation thereof,

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and the belt, rope and other apparatus which is used for such purpose shall be periodically inspected by the employer and maintained in good working order.

- - (f) fixing the fees or other remuneration to be paid by the owner of a boiler or pressure vessel to an inspector upon inspection.
- 15. Subsections 1, 2 and 3 of section 58 of *The Factory*, Rev. Stat., Shop and Office Building Act are repealed and the following subss. 1, 2, repealed; substituted therefor:
  - In every factory, shop, bakeshop, restaurant and office building,—
    - (a) the owner or employer shall provide such Prevention equipment, facilities and other means for the tection from prevention and extinguishment of and protect. from tion from fire as the Chief Inspector may deem necessary in the circumstances and direct such owner or employer in writing to provide; and
    - (b) the owner shall provide such means of egress convenient to and having easy communication with all working rooms as the Chief Inspector may deem necessary including,—
      - (i) such tower stairways of fire resistive construction equipped with fire doors approved by the Chief Inspector at each storey including the basement, as the Chief Inspector may direct;
      - (ii) such metal or other non-inflammable fire escapes consisting of stairways, with railings, attached to the outside of the building and with landings at each storey connecting directly with the interior of the building through metal or other fire resistive doors or casement windows, as the Chief Inspector may direct; and

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(iii) such lighting facilities and legible signs to facilitate egress as the Chief Inspector may direct.

(2) In every factory, shop, bakeshop, restaurant or office building in which more than fifteen persons are employed at any time during the year or in which, in the opinion of the inspector the nature of the business carried on may endanger the safety of the employees, every door for the use of the employees shall open outwardly and no door leading to the outside or to any passageway, tower stairway or fire escape shall be obstructed, bolted, barred or locked during any time that employees are in the building.

Rev. Stat., c. 194. s. 59, amended,

16. Section 59 of The Factory, Shop and Office Building Act is amended by striking out the words "or accident" in the first line and inserting in lieu thereof the words "accident or industrial disease", and by striking out the words "next after the fire or accident" in the fourth line, so that the said section shall now read as follows:

Notice of be given Chief

59. Where a fire, accident or industrial disease in any factory, shop, bakeshop, restaurant or office building occasions any bodily injury to any person employed therein whereby he is prevented from working for more than six days a notice in the prescribed form shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty of not less than \$10 nor more than \$30.

Rev. Stat. c. 194 a. 82. 17. Clause a of subsection 1 of section 82 of The Factory, subs. 1, cl. a. Shop and Office Building Act, as amended by subsection 1 of re-enacted. section 10 of The Statute Law Amendment Act, 1939, is repealed and the following substituted therefor:

(a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern. victualling house or refreshment house.

Short title.

18. This Act may be cited as The Factory, Shop and Office Building Amendment Act, 1944.

## CHAPTER 20.

## An Act to amend The Fire Departments Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Fire Departments Act* is repealed and Rev. Stat., the following substituted therefor:
  - 1. In this Act "permanent fire department" shall mean "Permanent any fire department established by a municipality mention of the Municipal Act where the officers and employees, or any of them, are regularly c. 266. employed by the municipality on a full-time salaried basis but any person who voluntarily acts as a fireman for a nominal consideration or honorarium shall not be deemed to be an officer or employee of a permanent fire department.
  - 1a. Where in any municipality having a population of Two platon not less than 10,000 there is a permanent fire department, the officers and employees of which are regularly employed as firemen and paid by the municipal corporation, it shall be the duty of the chief, superintendent or commission, as the case may be, to divide the members of said fire department into two platoons who shall work according to one or other of the two following systems, namely,—
    - No. 1 System—The said chief of the fire department shall not keep a platoon on duty for more than twenty-four consecutive hours, after which the platoon working the twenty-four hours shall be allowed twenty-four consecutive hours off duty.
    - No. 2 System—One platoon shall work day work of ten consecutive hours followed immediately by fourteen consecutive hours off duty, while the other platoon shall work night work of fourteen consecutive hours, followed imme-

diately by ten consecutive hours off duty, each platoon to alternate every seventh day, from night work to day work and vice versa.

Rev. Stat., c. 282, s. 3, amended.

Chap. 20.

2. Section 3 of The Fire Departments Act is amended by striking out the words "city, town or village" in the first line and inserting in lieu thereof the word "municipality", so that the said section shall now read as follows:

Weekly

3. Where in any municipality there is a permanent fire department, the officers and employees of which are regularly employed and paid by the municipal corporation, every officer and employee of such department shall be off duty for one full day of twenty-four hours in every calendar week, but where what is known as "double platoon system" is in operation in any such fire department the twentyfour hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section.

Short title.

3. This Act may be cited as The Fire Departments Amendment Act, 1944.

#### CHAPTER 21.

## An Act to amend The Fire Marshals Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Fire Marshals Act is amended by adding thereto Rev. Stat., the following section:
  - 13a. The Fire Marshal, Deputy Fire Marshal or any Examination district deputy fire marshal, inspector or municipal of premises. fire chief shall have power,—
    - (a) to enter and examine any premises on which a fire has occurred or on which he has reason to believe there may be any substance or device likely to cause a fire;
    - (b) to close any such premises and to prevent entry thereon by any other person for such period as may be required to complete the examination of the premises; and
    - (c) to remove from any such premises and to retain and examine any article or material which in his opinion may be of assistance in connection with any matter under investigation.
- 2.—(1) Subsection 1 of section 20 of *The Fire Marshals*  $\mathbb{R}_{0,1}^{(N)}$   $\mathbb{R}_{0,2}^{(N)}$   $\mathbb{R}_{0,2}^{$ 
  - (1) Subject to the regulations, the Fire Marshal, Deputy Inspector. Fire Marshal, a district deputy fire marshal, an and preinspector or an assistant to the Fire Marshal may, miser, upon the complaint of any person interested, or

when he deems it necessary so to do, without such complaint, inspect all buildings and premises within his jurisdiction, and for such purpose may at all reasonable hours enter into and upon such buildings and premises for the purpose of examination, taking with him, if necessary, a peace officer or such other assistance as he may deem proper.

Rev. Stat., c. 329, s. 20, amended by adding thereto the amended. following subsection:

Removal of process from buildings. (2a) The Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the removal from any building not being of fire resistive construction or being within fifty feet of any hospital, school, church, theatre or any other place of public assembly or any hotel, apartment house or multiple occupancy dwelling, of any process of manufacture or other occupancy which because of the danger of fire or explosion is especially hazardous to life or property or may order that any such premises shall not be used for any such process or occupancy.

Rev. Stat., c. 329, s. 20, subs. 3, amended.

(3) Subsection 3 of the said section 20 is amended by inserting after the figure "2" at the end of the fourth line the words, figure and letter "or subsection 2a", so that the said subsection shall now read as follows:

Appeal to Fire Marshal from order of subordinate. (3) If the occupant or owner of any such buildings or premises deems himself aggrieved by any order made by an officer other than the Fire Marshal made under this section, then in case the order is made under clause a of subsection 2 or subsection 2a, the person aggrieved may appeal within ten days from the making of the order to the Fire Marshal, who shall examine such order and affirm, modify or revoke the same and cause a copy of his decision to be served upon the party appealing.

Rev. Stat., c. 329, s. 20, subs. 7, amended.

(4) Subsection 7 of the said section 20 is amended by inserting after the figure "2" in the second line the words, figure and letter "or subsection 2a", so that the said subsection shall now read as follows:

Penalties.

(7) Every person who fails to obey an order made under clause *a* of subsection 2 or subsection 2*a* after the time allowed for appeal therefrom has elapsed, shall incur a penalty of not less than \$10 in all and not exceeding \$100 for every day during which such default continues, and every person who fails to

obey an order made under clause b or clause c of subsection 2 shall incur a penalty of not less than \$10 in all and not exceeding \$20 for each day upon which such default continues.

- (5) The said section 20 is further amended by adding thereto Rev. Stat., the following subsection:  $\frac{0.329, s. 20}{s. s. 20}$ 
  - (10) If the owner of a building or premises is absent Minor from or does not reside within the municipality in and repairs. which such building or premises is situate, or his whereabouts in the municipality is unknown, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the tenant or occupant to make minor alterations or repairs which are urgently required for purposes of fire prevention and the tenant or occupant may deduct the cost of such alterations or repairs from any rent thereafter payable on furnishing the owner with a copy of the order and an accounting of the amount deducted but a tenant or occupant shall not be required to expend or expend in any year an amount in excess of ten per centum of the annual rental payable in respect of such tenancy or occupancy.
- **3.** Section 21 of *The Fire Marshals Act* is amended by Rev. Stat., adding thereto the following subsection:

  0.329, 8.21, amended.
  - (2) The Lieutenant-Governor in Council may make Regulations. regulations providing for licensing and regulating the manufacture, sale, servicing and recharging of fire extinguishers.
- 4. This Act may be cited as The Fire Marshals Amendment Short title. Act, 1944.



## CHAPTER 22.

# An Act to amend The Game and Fisheries Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

- **1.** Clause o of section 2 of *The Game and Fisheries*  $Act^{(c)}_{c, 1, 5, 3}$ . is repealed.
- 2. Subsection 1 of section 6 of *The Game and Fisheries Act* Rev. 58at. 6, is amended by adding thereto the following clause:
  - (qq) prescribing the royalties payable in respect of the issue of a permit to ship or take an animal, skin or pelt to a point outside the Province or to have it sent to a tanner or taxidermist to be dressed, plucked or treated.
- 3.—(1) Clause b of section 7 of The Game and Fisheries Act Rev. Stat. as amended by subsection 1 of section 4 of The Game and cl. b, ref. Fisheries Amendment Act, 1938, is repealed and the following enacted. substituted therefor:
  - (b) any deer or moose in that part of Ontario lying Deer, moose, south of the main line of the Canadian National Lake Nipissing, Railway (formerly the Grand Trunk Pacific Rail-French and way) from Quebec to the Manitoba boundary and Rivers north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Morse Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Morse and Dennie and the southerly boundaries of the Townships of Alton, Tasper, Durban, Ethel, Comox, Y, 5A, 5B, 5C, 5D, 5E and 5F to the southwest angle of 5F Township;

thence northerly along the westerly boundaries of Townships 5F, 6F and 7F to the northwest angle of 7F Township; thence westerly along the southerly boundaries of Townships 8G, 8H, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14, to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, except from the 15th day of October to the 25th day of November, provided that the provisions of this clause shall not apply to moose in those parts of Ontario described in the following subclauses,—

Open season for moose not to apply.

- (i) That portion of Ontario bounded on the north by the road running east from Westree (on the line of the Canadian National Railway) through Shiningtree, Gowganda and Elk Lake to Highway Number 11 south of Englehart: thence south along Highway Number 11, through Earlton. Thornloe and Hanbury to New Liskeard: thence east and north along the road from New Liskeard to the interprovincial boundary; thence southerly along the interprovincial boundary, Lake Temiskaming and the Ottawa River to the confluence of the Ottawa and Mattawa Rivers; thence westerly along the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence northerly along the Toronto-Sudbury branch of the Canadian Pacific Railway to its intersection with the line of the Canadian National Railway south of Wanup, and continuing northerly along the line of the Canadian National Railway from the aforesaid intersection to the point of
- (ii) That portion of Ontario bounded on the north by the main line of the Canadian National Railway running east from the Manitoba boundary to Superior Junction; thence southeasterly along the line of the Canadian National Railway from Superior Junction to Fort William; thence southwesterly along the north shore of Lake Superior to the mouth of the Pigeon River; thence westerly along the International Boundary from the mouth

of the Pigeon River to the Manitoba boundary at the North West Angle Inlet of the Lake of the Woods; thence northerly along the Manitoba boundary from the North West Angle Inlet of the Lake of the Woods to the point of commencement.

- (2) Clause d of the said section 7 is repealed and the follow-Rev. Stat. c. 353, s. 7. ol. d, red-enacted.
  - (d) any deer in the Counties of Brant, Bruce, Carleton, Deer to Contain Dufferin, Dundas, Durham, Elgin, Essex, Glengarry, Counties and Grenville, Grey, Haldimand, Halton, Huron, Kent, Lambton, Leeds, Lincoln, Middlesex, Norfolk, Northumberland, Oxford, Peel, Perth, Prince Edward, Simcoe, Stormont, Waterloo, Welland, Wellington, Wentworth and York, the Township of Howe Island in the County of Frontenac, the Townships of Scott and Brock and all townships lying south thereof in the County of Ontario and the Township of Cambridge in the County of Russell, at any time;
  - (dd) any deer in those parts of the Districts of Parry parts of Parry Sound Sound and Nipissing lying within the area which is and bounded as follows-commencing at the Town of Parry Sound, thence easterly along the line of the Canadian National Railway which passes through the Town of Kearney to the westerly boundary of Algonouin Park: thence northerly and following the boundary of Algonquin Park to the easterly boundary of the Township of Cameron; thence northerly along the easterly boundary of the said township to the Ottawa River; thence westerly along the southerly shore of the Ottawa and Mattawa Rivers, Lake Nipissing and the French River to the Georgian Bay; thence southerly along the shore of the Georgian Bay to the Town of Parry Sound, except for a period of sixteen days from and including the Monday nearest to the 1st day of November.
  - (ddd) any deer in that part of Ontario lying south of the south of French and Mattawa Rivers and Lake Nipissing and Mattawa not included in those parts of Ontario described in Lake clauses d and dd, except for a period of sixteen days Nipissing. from and including the Monday nearest to the 8th day of November.
- 4. Subsection 4 of section 10 of *The Game and Fisheries Act* Rev. Stat., is amended by striking out the words "farmers residing and smos.". hunting on their own lands" in the fourth and fifth lines and "because inserting in lieu thereof the words "a farmer or his sons

residing and hunting on the lands of such farmer", so that the said subsection shall now read as follows:

Use of firearms without license prohibited. (4) Every resident who uses any firearm or air gun for the purpose of hunting or shooting any bird or animal except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to a farmer or his sons residing and hunting on the lands of such farmer, and in all actions and prosecutions under this subsection, possession of any firearm or air gun shall be prima facie evidence that the person in possession thereof was hunting or shooting such birds or animals, provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a "twenty-two calibre lowpowered rifle" during the open season for deer or moose in areas which such animals inhabit or in which they are usually found.

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Rev. Stat., c. 353, s. 15, subs. 3, (1938, c. 13, s. 6), re-enacted.

- **5.** Subsection 3 of section 15 of *The Game and Fisheries Act* as enacted by section 6 of *The Game and Fisheries Amendment Act*, 1938, is repealed and the following substituted therefor:
  - (3) For the purposes of this section,

"tourist outfitter"; (a) "tourist outfitter" shall mean any person who owns or operates a camp and maintains or provides directly or indirectly for the accommodation and use of tourists any boat, canoe, tent, sleeping bag, blanket, utensil or other article used or required for angling, hunting or camping or supplies or provides licensed middes.

"Calleb"

(b) "camp" shall mean a dwelling, lodge, cabin, tent, houseboat, or other temporary or permanent structure used as sleeping quarters; and

"tourist"

(c) "tourist" shall mean a guest, tenant, club member or any other person who pays directly or indirectly for accommodation or services rendered at a camp.

Rev. Stat., c. 353, s. 17, amended. **6.** Section 17 of *The Game and Fisheries Act* is amended by inserting after the word "nets" in the second line the words "hoop nets, pound nets or seine nets", so that the said section shall now read as follows:

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- 17. It shall be unlawful for any person to buy, sell, or Nets. be in possession of gill nets, hoop nets, pound nets or seine nets without the authority of a license or permit.
- 7. Clause a of section 24 of *The Game and Fisheries Act* Rev., Stat., is amended by striking out the words "during the months of cl. a. April and May" in the eleventh and twelfth lines and inserting in lieu thereof the words and figures "from the 1st day of April to the 15th day of June", and by adding at the end thereof the words "provided that for any hunting authorized by this license it shall be unlawful for a licensee to use a shot-gun or a rifle commonly known as a twenty-two calibre low-powered or rim fire rifle", so that the said clause shall now read as follows:
  - (a) to non-residents and the fees and licenses shall be,—  $\frac{\text{Non-resident}}{\text{licenses}}$ .
    - \$15—for license to hunt and shoot bear, game birds and rabbits, together with a fee of fifty cents for the issuing of same;
    - \$25—for license to hunt and shoot deer, bear, game birds and rabbits, together with a fee of seventy-five cents for the issuing of same;
    - \$40—for license to hunt and shoot moose, deer, bear, game birds and rabbits, together with a fee of \$1 for the issuing of same;
    - \$5—for license to hunt and shoot bear from the 1st day of April to the 15th day of June together with a fee of twenty-five cents for the issuing thereof; provided that for any hunting authorized by this license it shall be unlawful for a licensee to use a shot-gun or a rifle commonly known as a twenty-two calibre low-powered or rim fire rifle.
- 9. Subsection 6 of section 35 of The Game and Fisheries Rev. Stat... c. 353, s. 35, subs. 6, repealed.
- 10. The Game and Fisheries Act is amended by adding Rev. State, 6. 353, thereto the following section:

Dogs,-restriction of.

- 35a.—(1) It shall be unlawful,—
  - (a) for the owner of any dog to use or permit such dog to be used in any manner for the taking or killing of any mink, beaver or otter;
  - (b) for the owner of any dog commonly known as a greyhound, or any cross breed thereof, to permit such dog to pursue game or run at large on Sunday in any area where game is usually found; or
  - (c) for the owner of any dog to permit such dog to molest or follow upon the track of any wild game bird or disturb the nest of any such bird during the months of April, May, June or July, except in any field trial approved by the Department.

"Owner", what to include. (2) In this section "owner" shall include any person having a dog in his possession or charge or under his control.

Rev. Stat., c. 353, s. 40, amended. 11.—(1) Section 40 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Device for easting rays.

(1a) No person or persons having in his or their possession any device capable of throwing or casting rays of light upon an object shall have in his or their possession during the period between one-half hour after sunset and one-half hour before sunrise any rifle or other fire-arm capable of killing deer or moose unless such rifle or other fire-arm is unloaded and encased or dismantled.

Rev. Stat., c. 353, s. 40, subs. 2, re-enacted.

(2) Subsection 2 of the said section 40 as amended by subsection 1 of section 2 of *The Game and Fisheries Amendment Act*, 1939, is repealed and the following substituted therefor:

Use of snares in certain counties prohibited.

(2) It shall be unlawful for any person to use snares for any purpose in the Counties of Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Stormont. Victoria and York.

Rev. Stat., c. 353, s. 10, subs. 5, (1938, c. 13, s. 8), re-enacted.

(3) Subsection 5 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, and amended by subsection 2 of section 2 of *The Game and Fisheries Amendment Act, 1939*, is repealed and the following substituted therefor:

rabbits.

(5) It shall be unlawful for any person to hunt, kill or destroy more than six cotton tail rabbits in any one

day in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland, Wentworth and York.

- (4) Subsection 6 of the said section 40 as enacted by Rev. Stat., section 8 of *The Game and Fisheries Amendment Act*, 1938, subs. 6 and amended by subsection 3 of section 2 of *The Game and* c. 13, s. 8). *Fisheries Amendment Act*, 1939, is repealed and the following re-enacted. substituted therefor:
  - (6) It shall be unlawful for any person to sell, offer for Prohibition sale, purchase or barter, or to be concerned in the selling, etc., sale, purchase or barter of any cotton tail rabbits rabbits. in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland, Wentworth and York.
- 12. Section 41 of *The Game and Fisheries Act* as re-enacted Rev. Stat., by section 3 of *The Game and Fisheries Amendment Act*, 1939, (1939, is amended by adding thereto the following subsection:

  "6.33, 8.41 of 16.8.31, amended by adding thereto the following subsection:
  - (2) It shall be unlawful for any person to discharge any shooting air-gun, gun or other firearm from or across the King's Highway.
- 13. Subsection 1 of section 59 of *The Game and Fisheries* Rev. Stat., Act as re-enacted by subsection 1 of section 7 of *The Game* 3, 453, 8, 59, and *Fisheries Amendment Act, 1939*, is amended by striking 3, 1939, out the word "and" in the sixth line and by adding after the authorized word "geese" in the sixth line the words "and additional small game animals and birds not in excess of the numbers authorized to be killed or taken by this Act or the regulations in respect of which special open seasons may be provided", so that the said subsection shall now read as follows:
  - (1) It shall be unlawful for any non-resident, entitled Exporting to hunt or shoot in Ontario by virtue of a license by holders under this Act, to export in any one open season resident game actually and lawfully killed by him in excess of the following: one deer, one bull-moose or caribou, bears or bear pelts, one hundred ducks, fifty geese and additional small game animals and birds not in excess of the numbers authorized to be killed or taken by this Act or the regulations in respect of which special open seasons may be provided.
- 14. This Act may be cited as The Game and Fisheries Short title. Amendment Act, 1944.



## CHAPTER 23.

An Act to amend The Highway Improvement Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Clause a of section 1 of *The Highway Improvement*  $\underset{\text{on } d, k \in \mathbb{N}}{\operatorname{Roy}}$ . Act is repealed and the following substituted therefor:
  - (a) "Bridge" shall mean a public bridge, and shall include "Bridge". a bridge forming part of a highway or on, over, under or across which a highway passes.
- (2) Clause e of the said section 1 is repealed and the follow-Rey, Stat., or  $\mathfrak{sb}_{r,s}$ ,  $\mathfrak{t}_{r,s}$ ,  $\mathfrak{t}$ 
  - (e) "Highway" and "road" shall mean a common or "Highway": public highway and shall include a street or bridge "road". forming part of a highway, or on, over, under or across which a highway passes, or any other structure incidental thereto.
- (3) Clause h of the said section 1 is repealed and the follow- $\frac{\text{Rev. Stat.}}{\text{cl. }56, \text{s. l.}}$  ing substituted therefor:
  - (h) "Roadway" shall mean that part of the highway "Roadway". designed or intended for use by vehicular traffic.
- 2. (1) Subsection 1 of section 12 of *The Highway Improve-Rev. Stat.*, *ment. Act* is amended by striking out the word "or" where it s. 12, subs. 1, occurs the second time in the eighth line and inserting in lieu amended, thereof the word "and".
- (2) Subsection 5 of the said section 12 is repealed and the Rev. Stat. c. 56, s. 12, subs. 5, re-enacted.
  - (5) The administration and management of the county County road road system shall be vested in an officer to be ent. appointed by by-law of the county council to be known as the county road superintendent, who shall

be

be an engineer approved by the Minister, and the county road superintendent shall act under the direction of the county road committee.

Qualifications.

Rev. Stat.,
c. 237. (5a) Every county road superintendent hereafter appointed shall be a professional engineer registered as a civil engineer under The Professional Engineers Act.

Salary to be fixed by county (5b) Where a vacancy occurs in the position of county road superintendent the county council shall advertise for applicants stating the salary and allowances which shall be paid and such salary and allowances shall be set by the county council and approved by the Winister.

Copy of by-law to be sent to Department. (5c) A copy of the by-law appointing the county road superintendent shall be transmitted to the Department within thirty days of the passing thereof and such appointment shall be subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister.

Members of councils not to be appointed.

(5d) No member of the council of the county and no member of the council of any local municipality in the county shall be appointed as county road superintendent, or be employed by the county road superintendent in any capacity, and any such member who is appointed, or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting or voting in the council of which he was a member at the time of his appointment or employment.

Rev. Stat., c. 56, s. 12, · subs. 8, repealed,

(3) Subsection 8 of the said section 12 is repealed.

Rev. Stat., c. 56, amended. Where 3. The Highway Improvement Act is amended by adding thereto the following section:

Where improved highway reases to be important.

16a. Where the Minister is of the opinion that any highway or section of a highway assumed by a county council under this Act, has ceased to be, or for some other reason is not of sufficient importance to be constructed and maintained as a county road, such highway or section thereof may be struck off the approved plan of county roads by the Lieutenant-Governor in Council, and such highway or section thereof shall thereupon revert or be transferred to the corporation of the local municipality in which it is situate.

- **4.** Subsection 1 of section 17 of *The Highway Improvement* Rev. Stat. *Act* is amended by striking out the word "area" in the sixth subs. I, line and inserting in lieu thereof the word "roads".
- 5. Section 18 of *The Highway Improvement Act* is repealed Rev. Stat. c. 56, s. 18 and the following substituted therefor: re-enacted.
  - 18.—(1) Where a plan of highway improvement approved Annual by the Lieutenant-Governor in Council under this to Minister. Act is being carried out the county council shall annually and may with the consent of the Minister at any time during the progress of the work submit to the Minister,—
    - (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
    - (b) a declaration of the county road superintendent that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
    - (c) a declaration of the treasurer of the county that the statement of receipts and expenditures is correct; and
    - (d) a petition for the payment of the grant, authorized by resolution of the council.
  - (2) Upon receipt of such statement, declarations and Payment to petition and the approval thereof by the proper officer of the Department, the Minister may direct payment to the county treasurer out of the Fund of an amount equal to fifty per centum, or in the case of a bridge or culvert an amount not exceeding seventy-five per centum, of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.
- **6.** Section 19 of *The Highway Improvement Act* is repealed Rev. Stat. c. 56, s. 19. and the following substituted therefor:
  - 19. No expenditure towards which a special contribution Certain has been or may be made from any source shall be not included included in a statement submitted under section 18 in statement except with the consent of the Minister.
- **7.** Section 21 of *The Highway Improvement Act* is amended Rec. Stat. by striking out the words "regulations of the Department" amended in the third and fourth lines and inserting in lieu thereof the

words "requirements of the Minister" so that the said section shall now read as follows:

County road system, construction and repair. 21. Every highway constructed or repaired as part of a county road system under the provisions of this Act shall be so constructed and repaired in accordance with the requirements of the Minister.

Rev. Stat. (156, s. 22 amended. **8.** Section 22 of *The Highway Improvement Act* is amended by striking out the words "regulations and approval of the Department" in the eighth and ninth lines and inserting in lieu thereof the words "approval of the Minister", so that the said section shall now read as follows:

County expenditure may include ferry service. 22. Expenditure for which the corporation of any county may be entitled to aid to county roads under this Act, may include the maintenance by the county of a ferry service which forms a connecting link of a county road system, or forms a link between county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service, and tolls therefor, shall be subject to the approval of the Minister.

Rev. Stat., c. 56, s. 23, re-enacted. **9.** Section 23 of *The Highway Improvement Act* is repealed and the following substituted therefor:

County expenditure may include county bridges. 23.—(1) Where under or pursuant to the provisions of The Municipal Act the council of a county has jurisdiction over any bridge which is over twenty feet in span and is not included in the county road system, the expenditure involved in the replacing, maintaining or improving of such bridge under the supervision of the county road superintendent in accordance with plans approved by the Department shall be deemed to form part of the expenditure in carrying out the plan of highway improvement within the county, and debentures issued by the corporation of any county, since the 8th day of April, 1926, for the purpose of constructing, replacing or improving any such bridge shall be legal, valid and binding upon the corporation of the county and the ratepayers thereof notwithstanding that the by-law authorizing the issue thereof has not been submitted to and did not receive the assent of the ratepavers in accordance with the provisions of The Municipal Act.

Rev. Stat., c. 266.

Aid to county bridges. (2) The Minister may direct the payment to the corporation out of the Fund of an amount not exceeding

seventy-five per centum of the cost of constructing. maintaining, replacing or improving any such bridge over twenty feet in span in accordance with plans approved by an officer of the Department designated

- (3) The council of a county may by by-law declare that By-law to jurisdiction over all bridges of twenty feet or less lurisdiction over small in span which are not included in the county road bridges to system shall be transferred to the local munici-cipality. palities in which they are situate, and thereupon the county with respect to such bridges shall be transferred to and shall be vested in and imposed upon such local municipalities.
- (4) The council of a county where it deems it expedient Diverting and with the approval of the Lieutenant-Governor construction in Council may by by-law provide for the closing of bridge. of any bridge over which the county has jurisdiction under or pursuant to the provisions of The Municipal Act, or the substitution therefor of any other exercise as to such bridge or other structure and the approaches thereto all the powers of the council of a county as to highways and bridges included in a

10. Subsection 1 of section 27 of The Highway Improvement Res. Stat. ct is repealed and the following substituted therefor: subs.1. subs.1. re-enacted. Act is repealed and the following substituted therefor:

(1) Subject to the approval of the Minister the council Agreement of a township, town or incorporated village may local muni-enter into an agreement with the council of the county for county or with the suburban roads commission pro-extra conviding for the widening of the right-of-way, or for work the construction of a wider pavement or other special construction and for the maintenance and repair thereof upon a county or suburban road in such township, town or incorporated village, and the agreement may provide that in the case of construction the cost of the work over and above the amount paid by the county under the provisions of this Act according to the provisions of The Local Improvement Act against the owners to be specially benefited and against the township, town or incorporated village respectively according to the report of an

Where councils fail to agree.

(1a) Where the council of a town or incorporated village and the council of a county or a suburban roads commission are unable to agree upon any term or condition of an agreement authorized under this section, or where either council or the commission refuses to enter into such an agreement, the Minister may prescribe such term or condition or may require such an agreement to be entered into.

Rev. Stat., c. 56, ss. 28, 29, reenacted. 11. Sections 28 and 29 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Where urban street forms part of county system. 28. Where any street in an urban municipality is part of the county road system, the council of the county shall perform all necessary work and the urban municipality shall pay to the county any proportion of the cost thereof for which it is liable under an agreement entered into under section 27 upon the report of the county road superintendent or the engineer to the suburban roads commission and the requisition of the county road committee or suburban roads commission and may raise its share of the cost of the work by the issuing of debentures without the assent of the electors.

Urban extensions or connecting roads. 29.—(1) Where a street in any urban municipality not separated from the county is not a part of the county road system but is an extension of or connects roads included in the county road system, and where it is in the public interest that such street, including the bridges thereon, should be constructed or rebuilt, an agreement for the performance of the work shall be entered into between the corporation of the county and the corporation of the urban municipality upon such terms, subject to such conditions and in such form as the Minister may prescribe or approve.

Where county and municipality unable to

(2) Where the council of a county and the council of an urban municipality are unable to agree whether it is in the public interest that a street referred to in subsection 1, including the bridges thereon, should be constructed or rebuilt, the Minister may decide the issue and his decision shall be final.

Agreements.

(3) Where the council of a county and the council of an urban municipality are unable to agree upon any term or condition or the form of any agreement required to be entered into under subsection 1, or where either council refuses to enter into such an agreement the Minister may prescribe the terms,

conditions or form thereof, or all of them, and such agreement may be enforced in the same manner as an agreement duly executed on behalf of both councils.

- (4) The agreement mentioned in subsection 1 shall pro-Extent of vide that the cost of the work to the extent of twenty liability feet in width of the travelled portion of the roadway Proportion shall be paid by the county and the expenditure so to be part of made to the extent approved by the Minister shall expenditure. form part of the expenditure of the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.
- (5) A street shall not by reason of its having been Duty of constructed pursuant to this section become the property of the county but shall, after its construction, be under the jurisdiction of, and shall be maintained and kept in repair by the urban municipality.
- (6) Where the roadway on a street referred to in sub-Extent of section 1 exceeds twenty feet in width, all expendi-urban muniture thereon rendered necessary by such excess width oipality. and by all other special work on the street shall be borne by the urban municipality, and the council of the urban municipality, with the approval of the Minister, may by by-law, provide for the issue of debentures to provide for the payment of such excess cost, and it shall not be necessary to obtain the assent of the electors to any such by-law nor to observe the other formalities in relation thereto prescribed by The Municipal Act, or the work may Rev. Stat., be undertaken as a local improvement under the co. 266;269.
- 29a.—(1) An urban municipality situate within a county Proportion but not separated therefrom for municipal purposes, payable, whether there is or is not any such county road, county road extension or connecting link in such urban municipality, shall be subject to the levying of an annual general rate for county road purposes under the by-law mentioned in section 12, but subject to subsections 2 and 3 the council of the county shall on or before the 31st day of December in each year remit in the case of a town, fifty per centum, and in the case of a village, seventy-five per centum of such levy for that year exclusive of any part thereof levied for the purpose of paying off the urban municipality's share of any debenture or other debt of the county.

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(2) Where in any year the county has expended on the construction, rebuilding or maintenance and repair of any county road, or on the construction or rebuilding of any county road extension or connecting link, within the urban municipality, an amount equal to or greater than the portion of the levy repayable, such portion shall be deemed to have been remitted under this section, but where the amount so expended by the county exceeds the portion of the levy repayable, such excess shall not be applied in payment of any amounts representing the portion of the levy repayable by the county to such urban municipality in future years.

expenditure by county not applicable.

When amount expended by county less than portion payable.

(3) Where the amount so expended by the county is less than the portion of the levy repayable, the amount to be remitted by the county shall be the amount of such portion reduced by the amount so expended, but shall not in any year exceed the amount expended in that year by the urban municipality in accordance with the provisions of subsection 4.

Maintenance, repair and improvement

- (4) An urban municipality shall in each year expend out of its own funds such amounts as are necessary,—
  - (a) firstly, to maintain and keep in repair, under the supervision of the county road superintendent all county road extensions and connecting links therein, and
  - (b) secondly, to improve, maintain and keep in repair the other streets therein,

and in case of doubt or dispute as to the sufficiency of maintenance or repair of any county road extension or connecting link the decision of the Minister shall be final.

Urban muni cipality to submit programme;

later than the 15th day of June in each year submit to the county road superintendent a statement showing the programme of work which it proposes to carry out on street improvement and maintenance, and the estimated expenditure to be made thereon during that year, and not later than the 15th day of November in the same year, shall submit to him a detailed certified statement showing the location, nature and extent of the work done and the actual expenditure made thereon, and such statement may be subject to audit by the county or by the Depart-

(5) The council of the urban municipality shall not

to submit statement

ment at any time.

- (6) Where the Minister is of the opinion that in any Minister year it is unnecessary for the urban municipality to Tebute to expend a sum equal to the whole or any part of the debentures. amount repayable by the county, on the improvement or maintenance of streets in the urban municipality he may direct that such sum may be applied in payment of the corporation's share of any outstanding debentures issued to provide for construction of streets or bridges therein, but every application for such a direction shall be made to the Minister by the urban municipality on or before the 15th day of June of such year and a copy thereof shall be sent concurrently by the urban municipality to the county road superintendent.
- (7) The amount repaid by the county under this section Rebate to shall be deemed to form part of the expenditure in expenditure carrying out a plan of highway improvement in the on system. county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act.
- (8) The provisions of this section shall not apply to Proviso as to an urban municipality which is receiving under an of section. agreement with the county council special grants for the purpose of road improvement in the urban municipality until the calendar year following that in which such agreement expires.
- 12. Section 34 of The Highway Improvement Act is amended Rev. Stat., 34, by striking out the word "treasurer" in the third line and amended. inserting in lieu thereof the word "clerk", and by striking out the word "or" in the fourth line and inserting in lieu thereof the word "and".
- and the following substituted therefor:
  - 35. The Minister may arrange with the Department of Arrangement Indian Affairs of the Government of Canada for the Department construction and improvement under the supervision reserves of the Department of Highways and in accordance with the requirements of the Minister of a road in any township or any portion of a township constituting an Indian reserve where such road forms an extension of or connecting link in a county road system and for the payment, upon the certificate of the Minister, of fifty per centum of the cost of any work done under such arrangement, such payment to be chargeable to the Highway Improvement

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Fund in the same manner and subject to the like provisions as set out in section 18.

Rev. Stat., c. 56, s. 36, re-enacted.

**14**. Section 36 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Suburban roads commission, appointment of; 36.—(1) The Lieutenant-Governor in Council, upon application of the council of any county having or adopting a county road system under this Act, may direct that a commission or commissions be appointed as in section 42 provided, in the case of each city or town situate within the county but separated therefrom for municipal purposes, and each commission may designate and define roads or portions of roads in the county road system as suburban roads and the city or town shall contribute towards the construction and maintenance of such roads or portions of roads in accordance with the provisions of this Part.

to designate suburban roads system.

Deposit of plan in Department (2) A plan and description of the system of suburban roads designated by a commission shall be deposited by the commission with the Department within six months from the date of the Order-in-Council directing the appointment of such commission, and after the approval thereof by the Minister no alterations or amendments thereof shall be made by the commission until approved in like manner.

Rev. Stat., c. 56, s. 37, subs. 1, amended. **15.**—(1) Subsection 1 of section 37 of *The Highway Improvement Act* is amended by striking out the word "estimated" in the last line and inserting in lieu thereof the word "determined".

Rev. Stat., c. 56, s. 37 subs. 2, amended.

(2) Subsection 2 of the said section 37 is amended by striking out the words "and regulations made under the said Act" in the fourth and fifth lines, by striking out the word "certificate" in the seventh line and inserting in lieu thereof the word "declaration" and by striking out the words "under the jurisdiction of the Minister" in the eighth and ninth lines, so that the said subsection shall now read as follows:

Engineer of commission may supervise work on suburban roads. (2) The work on suburban roads may be carried on under the supervision of a qualified engineer employed for that purpose by the commission in place of the county road superintendent, and all the provisions of this Act shall apply to such engineer in the same manner as to a county road superintendent, and the declaration of such engineer with respect to work and expenditure upon suburban roads shall be accepted in lieu of the declaration of the county road superintendent as required by section 18.

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- **16.** Section 38 of *The Highway Improvement Act* is repealed Bev. Stat. and the following substituted therefor:
  - 38. -(1) Roads designated and approved as suburban Commission roads shall from the time of such designation and to direct approval, be constructed, maintained and repaired suburban under the direction of the commission, and the expenditures thereon shall be borne by the county, the city or town and the Province in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province.
  - (2) An appropriation for the purposes mentioned in this Appropriation may be section may be made annually by resolution of the by resolution council of the county, and may be made before the council. 'designation by the commission of the roads upon which the appropriation is to be expended.
  - (3) The amount to be provided by the city or town shall Contribution not exceed the proceeds of a rate of one-half mill town,—limit on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll, unless in any year by agreement with the council of the county, the council of the city or town shall by by-law passed by a vote of at least two-thirds of the members present and voting thereon appropriate for work on suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar of the value of such rateable additional. property but such by-law shall not be passed until the council of the county has appropriated an equal amount for the like purposes to be expended in the same year.
- 17. Subsection 3 of section 40 of *The Highway Improvement* Rev. Stat., *Act* is amended by striking out the figure "?" in the second subs. 3. line and inserting in lieu thereof the figure "3".
- **18.**—(1) Subsection 1 of section 42 of *The Highway Improve-*Rev., Stat., ment Act is amended by striking out the words "county roads subs. 1. within the suburban area outside of any city or town" in the second and third lines and inserting in lieu thereof the words "suburban roads designated and approved as in section 36 provided", so that the said subsection shall now read as follows:
  - (1) The laying out, construction, maintenance and repair Commission.
    of suburban roads designated and approved as in
    section 36 provided and the expenditure thereon
    shall be directed by a commission representing the

county and the city or town and appointed as hereinafter provided.

Rev. Stat., c. 56, s. 42, subs. 4, amended. (2) Subsection 4 of the said section 42 is amended by striking out the words "upon receipt of notice from the clerk" in the second and third lines, so that the said subsection shall now read as follows:

Time for making appointments. (4) The councils of the city, town and county shall make their appointments of members to the commission within thirty days after the passing of the Orderin-Council.

Rev. Stat., c. 56, s. 42, subs. 8, amended.

(3) Subsection 8 of the said section 42 is amended by striking out the word "for" in the first line and inserting in lieu thereof the word "of", so that the said subsection shall now read as follows:

Vacancies.

(8) Where a member of the commission dies, or resigns, or is removed, the body or authority by which such member was appointed shall appoint some other person to fill the vacancy for the remainder of the term for which such person so dying, resigning or removed was appointed.

Rev. Stat., c. 56, s. 42, subs. 10, repealed. (4) Subsection 10 of the said section 42 is repealed.

Rev. Stat., c. 56, s. 43, amended. **19**. Section 43 of *The Highway Improvement Act* is amended by inserting after the word "council" in the fourth line the words "or a member of the Legislative Assembly" so that the said section shall now read as follows:

Who ineligible to act as member of commission

Rev. Stat., c. 266. 43. Notwithstanding anything contained in The Municipal Act, or in any other general or special Act of this Legislature, or in any municipal by-law, a person who is a member or an official of a municipal council or a member of the Legislative Assembly shall not be a member of any commission appointed under section 42.

Rev. Stat., c. 56, s. 44, amended. **20.** Section 44 of *The Highway Improvement Act* is amended by striking out the word "area" in the second line and inserting in lieu thereof the words "road system".

Rev. Stat., c. 56, s. 1 subs. 1. amended. **21.**—(1) Subsection 1 of section 45 of *The Highway Improvement Act* is amended by inserting after the word "centum" in the seventh line the words "or such greater proportion as he may deem requisite", so that the said subsection shall now read as follows:

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- (1) The council of any township municipality in which Township statute labour has been abolished by by-law shall superintend-ent, appoint by by-law, appoint a township road superintendent ment and who, subject to the direction of the council, shall lay out and supervise all work and inspect all roads within the exclusive jurisdiction of the township council, and the Minister may direct that out of the Fund fifty per centum, or such greater proportion as he may deem requisite, of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province.
- (2) Subsection 3 of the said section 45 is amended by Rev. Stat. striking out the words "general regulations as the Department" state 45. in the second line and inserting in lieu thereof the words "requirements as the Minister", so that the said subsection shall now read as follows:
  - (3) The superintendent appointed under this section Superintendshall conform to such requirements as the Minister form to requirements of Minister.
- (3) Subsection 5 of the said section 45 is amended by Rev. Stat., striking out the words "any local municipality in the county" subs. 5, in the first and second lines and inserting in lieu the root than amended. in the first and second lines and inserting in lieu thereof the words "the township", so that the said subsection shall now read as follows:
  - (5) A member of the council of the township shall not Councillors be appointed or act as road superintendent or be as township township. employed by the township road superintendent in intendent any capacity, and any such member who is appointed or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting in the council of which he was a member at the time of his appointment or employment.
- 22.--(1) Subsection 1 of section 46 of *The Highway Im*-Rev. Stat., proceeded Act is amended by striking out the words "and in section," which money is not being expended under The Colonization amended Roads Act" in the second and third lines so that the said subsection exclusive of the clauses thereof, shall now read as
  - (1) The council of a township which has abolished Grants in aid of townstatute labour may submit to the Department for ship road work. approval such plans, specifications or by-laws as the Department may require for any or all of the following purposes of road construction, improvement or repair, namely,-

Rev. Stat., c. 56, s. 46, subs. 2, amended. (2) Subsection 2 of the said section 46 is amended by striking out the article and word "a township" in the first line and inserting in lieu thereof the article and word "the township".

Rev. Stat., c. 56, ss. 47, 48, 49, re-enacted.

**23**. Sections 47, 48 and 49 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Townshi road subsidy. 47.—(1) When approved by the Department the work or expenditure of any class mentioned in section 46 shall be carried out in accordance with the requirements of the Minister with regard thereto, and upon the completion of any such work or expenditure the council of the township may submit to the Minister an application in accordance with the provisions of section 48, for the provincial subsidy authorized by this Part.

Cost of ferry service may be included. (2) Where the township is an island, expenditure for which the corporation of the township may be entitled to aid under this Part, may include the whole or such proportion as the Minister may direct, of the cost of establishing and maintaining a ferry service between the island and the mainland by the corporation, its lessee or licensee.

Roads in Indian Reserves, arrangements with Dominion. (3) The Minister may arrange with the Department of Indian Affairs of the Government of Canada that the Indian Agent for an Indian Reserve may act as road superintendent to supervise the construction, improvement and maintenance in accordance with the requirements of the Minister, of the roads in any township or portion of a township constituting the Indian Reserve and where such arrangement has been made, the Department of Indian Affairs may make application in accordance with the provisions of section 48 for the provincial subsidy authorized by this Part, and the provisions of this Part shall apply mutatis mutandis.

Particulars to be furnished.

- 48.—(1) The council of the township shall annually and may with the consent of the Minister at any time during the progress of the work of construction, improvement or repair of township roads submit to the Minister,—
  - (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
  - (b) a declaration of the township road superintendent that the statement of receipts and

expenditures is correct and that the work has been done in accordance with requirements of the Minister and with the approval of the proper officer of the Department:

- (c) a declaration of the township treasurer that the statement of receipts and expenditures is correct and that it contains no item of expenditure whether for labour or materials which was not paid to the persons performing the work or supplying the materials in actual cash or by cheque of the corporation of the township; and
- (d) a petition for the payment of the grant, authorized by resolution of the council.
- (2) Upon the receipt of such statement, declarations and Amount of petition and the approval thereof by the proper subsidity. officer of the Department, the Minister may direct payment to the township treasurer out of the Fund of an amount equal to fifty per centum of the amount of the expenditure which is properly chargeable to road improvement and in all cases of doubt or dispute the decision of the Minister shall be final.
- 49. Where the Minister deems it necessary in order to Additional secure the development of an adequate plan of road subsidy. construction, he may direct that there be paid to the township such amount in addition to that paid under section 48 as he may deem requisite, but the total aid so granted in any one year shall not exceed eighty per centum of the amount of the township's funds expended on highway improvement in accordance with the requirements of the Minister.
- 24. Section 50 of *The Highway Improvement Act* is repealed Rev. Stat., and the following substituted therefor:
  - Expenditure in respect of which aid may be granted Aid to be under section 48 shall not include,—
    - (a) any amount levied in the township for county road purposes; or
    - (b) any other road expenditure towards which a special contribution has been paid or may be payable from any source except with the consent of the Minister.
  - 25. Section 51 of The Highway Improvement Act is repealed. Rev. Stat., c. 50, s. Fepealed.

26. The Highway Improvement Act is amended by adding Rev. Stat., thereto the following Part:

### PART IVA.

## ROADS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Roads where no municipal organization.

Rev. Stat. c. 274. 52b.—(1) In any part of Ontario where there is no municipal organization the Minister may arrange with the road commissioners elected under *The Statute Labour Act* or with any person who is the owner of land therein or of any equity or rights in or relating to any such land, for the construction, improvement, maintenance or repair of any road situate therein that may be designated by the Minister, and the Minister may direct payment out of the Fund of an amount equal to such proportion of the cost of the work as he may deem requisite.

Where incomporation desirable.

- Rev. Stat., c. 266.
- (2) Where the Minister deems it desirable that the inhabitants of any part of Ontario should become incorporated under The Municipal Act, the amount which shall be paid out of the Fund under this section in respect of a road in that part of Ontario shall not exceed fifty per centum of the value of the labour employed on the work.

Interpretation,— (3) In this section,—

"cost of the work"; (a) "cost of the work" shall include the actual amount paid for materials and rental of machinery and the value of labour employed on the work; and

"value of labour em ployed on the work" (b) "value of labour employed on the work" shall be computed on the basis of the actual time worked applied to the rates of wages prevailing in the locality in which the work is performed.

Rev. Stat., 6 56, 8 79, subs. 2, amended.

**27**. Subsection 2 of section 59 of *The Highway Improvement* Act is amended by inserting after the word "or" in the eleventh line the words "be transferred to the municipality", so that the said subsection shall now read as follows:

Highway may be disp sed of, or revert or be transferred to municipality (2) The Lieutenant-Governor in Council upon the recommendation of the Minister may direct, that any highway or portion or section thereof for which an alternative route has been substituted, or which is no longer required by the Department for the purpose of the King's Highway, or which from any cause should not remain under the jurisdiction of the Minister, may be closed to traffic or may be sold, leased or disposed of by the Minister, or may direct that any such highway, or portion or section of a highway, shall revert to the municipality previously liable for the maintenance and repair of the

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highway

highway, or be transferred to the municipality within which the same is situate, and such municipal corporation shall thereupon be in possession and control of the said highway from and after a date to be named by the Lieutenant-Governor in Council.

- 28. Subsection 4 of section 66 of *The Highway Improve*-Rev. Stat. ment Act is amended by striking out the words "an urban subs.4, municipality not separated from the county" in the third line and inserting in lieu thereof the words "a town not being a separated town or of a village", so that the said subsection shall now read as follows:
  - (4) Where it is deemed by the Minister desirable and Agreement expedient an agreement may be entered into with connecting the corporation of a town not being a separated highway. town or of a village for the construction, improvement, maintenance and repair therein by the municipality or by the Department of any highway which is a connecting link or extension of the King's Highway.
- **29.** Subsection 1 of section 76 of *The Highway Improve*-Rey. Stat., *ment Act* is amended by striking out the word "Department" subs. 1, where it occurs in the fourth line and inserting in lieu thereof the word "Minister".
- **30.** Section 79b of *The Highway Improvement Act* as Rev. Stat., enacted by section 8 of *The Highway Improvement Amendment* (1939), c. 56, s. 79b, Act, 1939, is repealed and the following substituted therefor: Section 2.
  - 79b. The Lieutenant-Governor in Council, upon the "Development recommendation of the Minister may designate as a Road."
    "Development Road" any road or proposed road designation which he may deem it expedient to improve or construct in order to promote or maintain settlement or development in any part of Ontario, provided that a road or proposed road situate in a municipality forming part of a county shall not be so designated unless the by-law passed by the council of the county for the levying of a general annual rate for county road purposes exempts the municipality from the levying of such rate in accordance with the provisions of section 12.
- **31.** —(1) Subsection 3 of section 85 of *The Highway Im-*<sup>2</sup>Cet, 56, s. 85, provement Act is amended by striking out the word "regula-subs. 3. 5, tions" in the fourth line and by striking out the word "walk" in the seventh line and inserting in lieu thereof the words "sidewalk, improvements or service", so that the said subsection shall now read as follows:

Local municipality to conform to requirements and be responsible for (3) A local municipality when constructing a sidewalk or other improvements or service on a road or highway under the provisions of this section shall conform to any requirements or conditions imposed by the authority responsible for or having control of the said road or highway, and shall be responsible for any injury or damage arising from the construction or presence of such sidewalk, improvements or service on the road or highway.

Rev. Stat., c. 56, s. 85, subs. 4, re-enacted. (2) Subsection 4 of the said section 85 is repealed and the following substituted therefor:

Construction of sidewalk or footpath.

(4) The council of a township may apply to the Department for authority to construct a sidewalk or footpath on the King's Highway or a county road and the Department may grant such authority, and upon completion of the work may approve thereof at its discretion, and upon such approval being given the council may make application in the form prescribed by the Minister for, and the Minister may authorize the payment to the township out of the Fund of an amount not exceeding fifty per centum of the cost of the work.

Rev. Stat., c. 56, **32**. *The Highway Improvement Act* is amended by adding thereto the following section:

Vouchore

91. Wherever a subsidy is applied for by the council of any county, township or other road authority under any provision of this Act, vouchers covering all expenditures, in respect of which such subsidy is applied for, shall be furnished to the Department in a form satisfactory to the Minister.

Short title.

33. This Act may be cited as The Highway Improvement Amendment Act, 1944.

#### CHAPTER 24.

## The Holland Marsh Roads Act, 1944.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act .-

Interpre-

(a) "clerk" shall mean clerk of the municipality;

"clerk";

- (b) "lot" shall mean a parcel of land which by The "lot"; Assessment Act is required to be separately assessed and shall include part of a lot;
- (c) "owner" shall mean the person whose name appears "owner"; on the last revised assessment roll of the municipality as the owner of the land;
- (d) "road" shall mean a common or public highway "road": and shall include a street or bridge forming part of a highway, or on, over, under or across which a highway passes, or any other structure incidental thereto;
- (e) "road improvement area" shall mean a road improve-improvement ment area designated under this Act; and area";
- (f) "value" shall mean assessed value of land, exclusive "value" of the value of buildings, according to the last revised assessment roll of the municipality.
- 2. This Act shall apply to that part of Ontario which lies Application in the townships of King and West Gwillimbury and the village of Bradford, between the Holland River and the drainage canal which was constructed pursuant to *The Municipal Drainage Act* and forms part of what is commonly known as Rev. Stat., the Holland Marsh Drainage Scheme.
- 3.—(1) On petition signed by at least two-thirds of the Road improveowners of all lots in the area defined in the petition representing ment area, at least one-half of the total value of all lots in the area, the

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council of the municipality in which such area is situate may by by-law designate it as a road improvement area.

enlargement of (2) A road improvement area may be enlarged by by-law of the council of the municipality in which such road improvement area and any area proposed to be added thereto are situate on petition signed by at least two-thirds of the owners of all lots in the road improvement area and by at least two-thirds of the owners of all lots in the area proposed to be added representing together at least one-half of the total value of all lots in the combined areas.

Special annual rate,— **4.**—(1) The council of a municipality in which a road improvement area is situate may by by-law impose and levy a special annual rate against every lot included therein and such special rate shall be in addition to all other rates.

amount of.

(2) The special rate shall not in any year exceed a rate of five cents on the dollar of the value of the lots in the road improvement area, but if in any year the proceeds of a rate of five cents on the dollar are insufficient to provide the funds required for that year, on petition signed by at least two-thirds of the owners of all lots in the road improvement area representing at least one-half of the total value of all lots in the area, requesting that a stated higher rate be levied for that year, the council may by by-law impose and levy such higher rate.

Application of Rev. Stat., c. 272.

(3) The provisions of *The Assessment Act* applicable to the levying and collecting of local rates shall apply to a special rate imposed and levied under this Act.

Proceeds of special rate. 5. The proceeds of the special rate shall be accounted for separately on the collector's roll, and such proceeds together with any amount which the council may appropriate for that purpose out of the general rate and in the case of a township the subsidy payable under this Act, shall be expended on the construction, improvement or maintenance of roads within the road improvement area, including the bridges leading thereto which cross the drainage canal, and the approaches to such bridges for a distance of one hundred feet from each end thereof.

Work in townships.

**6.** In the case of a township the work shall be carried out under the supervision of the township road superintendent and in accordance with the requirements of the Minister of Highways and the expenditure thereon may be included in the application for subsidy submitted to the Minister under *The Highway Improvement Act*.

Rev. Stat., c. 56.

- 7.—(1) A petition under this Act shall be lodged with the Presentation clerk, and shall be deemed to be presented to the council when it is so lodged.
- (2) There shall be set out opposite every signature to the Description petition a description of the lot of which the petitioner is the of lot. owner.
- **8.** The sufficiency of a petition shall be determined by the sufficiency clerk and his determination shall be evidenced by his certificate and when so evidenced shall be final.
- **9.** No person may withdraw his name from, and no name Withdrawal shall be added to a petition after it has been lodged with the clerk.
- 10. Where it is necessary to determine the value of any Determining lot because the value cannot be ascertained from the assessment roll by reason of the lot not having been separately assessed, or for any other reason, the clerk shall determine the value thereof and such determination shall be final.
- 11. Where it is proven to the satisfaction of the clerk that Proof of any person whose name does not appear on the last revised assessment roll of the municipality as the owner of a lot is in fact the owner thereof, such person shall for the purposes of this Act be deemed the owner thereof in the place and stead of the person whose name so appears.
- 12. Where the names of two or more persons appear on Joint the last revised assessment roll as the owners of any lot, owners, unless each of such persons appears as the owner of a defined part of the lot, they shall for the purposes of determining the sufficiency of a petition be considered as one owner only and shall not be counted as a petitioner unless a majority of them have signed the petition.
- 13. Where an owner is assessed for more than one lot Owner within the area defined in the petition, in determining the for more sufficiency of such petition, such owner shall be reckoned as lot, one only but shall represent the value of all such lots.
- 14.—(1) Where prior to the certification of a petition by Investigathe clerk any person lodges with the clerk an affidavit deposing complaint, that his signature to such petition has been obtained by fraud, duress or misrepresentation the judge of the county court of the county in which the municipality is situate shall investigate the complaint and the clerk shall not certify such petition until the judge has made his finding.
- (2) Where the judge finds that the signature of any person Effect of has been obtained by fraud, duress or misrepresentation such person shall not be counted as a petitioner.

Evidence.

(3) For the purpose of any investigation under this section the judge may summon any person and require him to give evidence on oath and to produce such documents and things as the judge deems requisite and the judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Embank-Rev. Stat., c. 278.

15.—(1) Where any embankment or dyke constructed pursuant to the provisions of The Municipal Drainage Act as part of the Holland Marsh Drainage Scheme forms part of a road under the jurisdiction of a municipality such municipality may enter into an agreement with the other municipalities liable to contribute any portion of the cost of maintenance of the drainage scheme to determine what proportion of any expenditure to be made on the embankment or dyke shall be chargeable to road improvement and what proportion shall be chargeable to maintenance of the drainage scheme.

Failure to

(2) If the municipalities are unable to agree as to what proportion of any expenditure to be made on the embankment or dyke shall be chargeable to road improvement and what proportion shall be chargeable to maintenance of the drainage scheme, any of the municipalities may require that the proportions so chargeable shall be determined by arbitration by serving notice in writing of such requirement upon the clerks of the other municipalities.

(3) The arbitrator shall be a professional engineer engaged in private practice agreed upon by the parties to the arbitration and where the parties are unable to agree upon the choice of an arbitrator the Minister of Highways may appoint the arbitrator but the fees and expenses of any arbitrator so appointed shall be borne by the municipalities.

Decision

(4) The decision of the arbitrator shall be final and there shall be no appeal therefrom.

Commence-ment of Act.

16. This Act shall come into force on the day upon which it receives the Royal Assent.

17. This Act may be cited as The Holland Marsh Roads Act, 1944.

1944.

## CHAPTER 25.

# An Act respecting the Registration of Guests in Hotels.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act "hotel" shall mean a separate building or "Hotel"—two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels".
- **2.** In every hotel a register shall be kept in which shall be Register entered the name and usual place of residence of every person to be admitted as a guest in such hotel and occupying a room therein hotel.
- 3. Every owner and every manager of an hotel who fails to Penalty keep the register required by section 2 or to see that the keeping particulars required by section 2 are entered therein, or who properly knowingly and wilfully permits any untrue statement as to the name or place of residence of a guest to be entered in the register shall be guilty of an offence and shall incur a penalty of not less than \$10 nor more than \$50, and in default of payment may be imprisoned for a period not exceeding three months.
- 4. Any person who applies for admission as a guest in an Penulty for hotel and who registers under or represents himself as bearing persent some other name than his own, or who in registering or procuring admission to an hotel, makes any false statement as to his ordinary place of residence, shall incur a penalty of not less than \$20 nor more than \$200, and in default of payment may be imprisoned for a period not exceeding three months.

8 Geo. VI.

Penalties, -recovery of. Rev. Stat., c. 136.

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Rev. Stat., c. 295, repealed.

Short title.

- 5. The penalties provided by this Act shall be recoverable under The Summary Convictions Act.
  - 6. The Standard Hotel Registration of Guests Act is repealed.
- 7. This Act may be cited as The Hotel Registration of Guests Act, 1944.

## CHAPTER 26.

# An Act respecting Hours of Work and Vacations with Pay in Industrial Undertakings.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.-

1944.

Interpre-

- (a) "Board" shall mean the Industry and Labour Board "Board": constituted under The Department of Labour Act; Rev. Stat., 699
- (b) "employee" shall mean any person who is in receipt "employee"; of or entitled to any compensation for labour or services performed for another;
- (c) "employer" shall include every person, firm, cor-"employer"; poration, agent, manager, representative, contractor or sub-contractor having control, direction of, or responsible, directly or indirectly, for the employment of any employee;
- (d) "industrial undertaking" shall mean,

"industrial u'ndertaking":

- (i) every establishment and undertaking and all work in or about any industry; and
- (ii) any establishment, undertaking or work in or about any business, trade or occupation which may be prescribed by the regulations; and
- (e) "regulations" shall mean regulations made under "regulations". this Act.
- 2.—(1) Subject to the provisions of this Act, the working Limitation hours of an employee in any industrial undertaking shall not of work, exceed eight in the day and forty-eight in the week.
- (2) Subject to the provisions of this Act, every employee Vacations, in an industrial undertaking shall be given a vacation of at least one week with pay for every working year of his employment.

Supervisors and confidential employees exempted. 3. Subsection 1 of section 2 shall not apply to a person holding a position of supervision or management or employed in a confidential capacity so long as the duties performed by him are entirely of a supervisory, managerial or confidential character and do not include any work or duty customarily performed by an employee and in case of dispute as to whether a person holds such a position or is so employed, the decision of the Board shall be final.

Agreements.

4. Where in the opinion of the Board it is not feasible to apply the provisions of subsection 1 of section 2 or of the regulations in an industrial undertaking or branch thereof the Board may by order authorize such daily and weekly limit of working hours in the industrial undertaking or branch or by any class or group of employees, as may be agreed upon in writing between organizations or representatives of the employees and employers affected and as the Board may deem proper.

War industries. 5. Where in the opinion of the Board any industrial undertaking or branch thereof is a war industry and it is not feasible to apply the provisions of subsection 1 of section 2 or of the regulations, the Board may suspend the provisions of subsection 1 of section 2 or any of the provisions of the regulations with regard to such industrial undertaking or branch thereof or any class or group of employees so long as such industrial undertaking or branch continues to be a war industry, upon such terms and conditions as the Board deems advisable, or may, by order, authorize such working hours as it deems proper.

Accidents, exemptions.

**6.** The limit of hours of work prescribed by subsection 1 of section 2 may be exceeded in case of accident, or in case of work urgently required to be done to machinery or plant, or in case of force majeure, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Inquiry into partnership, association or scheme. 7.—(1) The Board may hold an inquiry into the facts respecting any persons engaged or working in or about an industrial undertaking as members or alleged members of a partnership or association, or in the execution of any agreement or scheme of profit-sharing or co-operative or joint contract or undertaking, including the investigation of the contractual and other relations of the persons so engaged or working, as between themselves or as between them and their master or employer, and if the Board is of opinion that the partnership, association, agreement or scheme is intended or or has the effect, either directly or indirectly, of defeating the true intent and object of this Act the Board may make such order as it deems proper declaring any of such persons or any

class or group thereof to be employers and any of such persons or any class or group thereof to be employees for the purposes of this Act.

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- (2) For the purposes of any inquiry under this section the Powers of chairman of the Board shall have all the powers which may on inquiry be vested in a commissioner appointed under The Public Rev. Stat., Louizies Act.
- **8.**—(1) Every employer shall, on demand of the Board or Productor the chairman or of any person authorized in writing by the Board or by the chairman, produce for inspection all records kept by him relating to the hours of labour of any person employed by him.
- (2) The Board may by notice in writing require any Time-clocks employer forthwith, or within a time stated in the notice, to make provision for the true and correct recording of the hours of work of each of his employees, with respect to starting-time, stopping-time and rest intervals, by means of time-clocks or in such manner as the Board may direct.
- **9.**—(1) The Board or any member thereof, or any person Inspection authorized in writing by the chairman, may,—
  - (a) inspect and examine all books, pay-rolls and other records of any employer which in any way relate to the hours of labour of any employees;
  - (b) take extracts from or make copies of any entry in such books, pay-rolls and records;
  - (c) require any employer to make or furnish full and correct statements, either orally or in writing in such form as may be required, respecting the hours of work of all or any of his employees, and require the statements to be made by the employer on oath or to be verified by his statutory declaration; and
  - (d) require any employee to make full disclosure, production or delivery to the Board, or to the person so authorized, of all records, documents, statements, writing, books or papers, or extracts therefrom or copies thereof, or other information either verbal or in writing, as the employee may have in his possession or under his control and either vertified on oath or otherwise as may be directed, which may in any way relate to his hours of work as an employee.
- (2) Every member of the Board and every person author-Power to thorized pursuant to subsection 1 shall have power to ad-oaths.

minister all oaths and take all affidavits and statutory declarations required or authorized to be made under the provisions of subsection 1, and to certify to the administration or taking thereof.

Regulations.

- 10. Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—
  - (a) prescribing any establishment undertaking or work in or about any business, trade or occupation which shall be deemed to be an industrial undertaking for the purposes of this Act;
  - (b) prescribing industrial undertakings and branches thereof in which the working hours prescribed by subsection 1 of section 2 may be exceeded either by specified times or under specified conditions or generally, prescribing, in each case, the maximum of such excess and imposing terms and conditions in connection therewith;
  - (c) for the purposes of subsection 2 of section 2, prescribing the working year in any industry in terms of weeks, days or hours with all reasonable allowances for overtime work, seasonal employment and other special conditions and where the working year is less than the equivalent of eight months of work at normal hours, providing for the pro-rationing of the vacation referred to in the said subsection.
  - (d) providing for the application of the provisions of subsection 2 of section 2 where, owing to illness or other unavoidable absence an employee has been absent from his employment, and such other regulations as it may deem necessary for the due application and administration of such subsection;
  - (e) requiring employers in any industrial undertaking or branch thereof to notify employees by the publication of such notices as it may determine or in such other manner as it may prescribe, of the provisions of this Act, any regulations or orders made hereunder, particulars of hours of work including the hours at which work begins and ends, the hours at which shifts change, particulars of rest periods and such other information as may be prescribed; and
  - (f) prescribing the records which shall be kept and the returns which shall be made by employers.

Penaltyemployers. 11.—(1) Every employer who employs any person or permits any employee to work contrary to the provisions of this

Act or any regulations or order made hereunder, shall be liable to a penalty of not less than \$25 and not exceeding a total of \$5 in respect of each employee for each day during the continuance of such contravention.

- (2) Every employer who fails to comply with any provision Idem. of this Act or the regulations or of any order or requirement of the Board, for the violation of which no other penalty is provided, shall be liable to a penalty of not less than \$25 nor more than \$500
- (3) Every employee who fails to comply with any pro-Penalty—vision of this Act or of any regulation or order made here-employees. under shall be liable to a penalty of not less than \$10 nor more than \$25.
- (4) The penalties provided by this section may be recovered in the manner prescribed by *The Summary Convic*tions Act.

  Rev. Stat., 6, 136.
- 12. Where there is conflict between the provisions of this Conflict Act or any regulation or order made hereunder and the pro-Acts. visions of any other Act of this Legislature or any regulation made thereunder, the provision which provides for shorter working hours shall prevail and in all questions of doubt or dispute the decision of the Board shall be final.
- 13. The expenses incurred in the administration of this Expenses Act shall be paid out of such amounts as may be appropriated tration. therefor by the Legislature.
- 14. This Act shall come into force on the 1st day of July, commence 1944, but upon an application made to the Board either before rentification or after such date by any employer or employers or by any exemptions, representative group of employees engaged in an industrial undertaking or any branch thereof, the Board may, for the purpose of providing an opportunity for the making of an application under the other provisions of this Act, make such order as it deems necessary exempting such industrial undertaking or branch or any group or class of employees engaged therein from the provisions of this Act or the regulations upon such terms and subject to such conditions as it may prescribe, but no such order shall continue in force after the 31st day of December, 1944.
- 15. This Act may be cited as The Hours of Work and Vaca-Short title. ions with Pay Act, 1944.



## CHAPTER 27.

## An Act to amend The Judicature Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause jj of section 1 of *The Judicature Act* as enacted Rev. Stat. by section 1 of *The Judicature Amendment* Act, 1943, is cl. jj repealed.
- 2. Subsection 2 of section 3 of *The Judicature Act*, as Rev. Stat., enacted by section 2 of *The Judicature Amendment Act*, 1943, subs. 2 (1943, c. 11, is repealed.
- 3. The provisions of this Act shall be read and construed construction subject to the provisions of *The Labour Relations Board* 1944, c. 29. Act, 1944.
- **4.** This Act shall come into force on a day to be named by Commencethe Lieutenant-Governor by his Proclamation.
- 5. This Act may be cited as The Judicature Amendment Short title. Act, 1944.



## CHAPTER 28.

## An Act to amend The Justices of the Peace Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 2 of *The Justices of the Peace Act* is amended by Rev. Stat. inserting at the commencement thereof the words "subject amended to section 2a", so that the said section shall now read as follows:
  - Subject to section 2a the Lieutenant-Governor by Appointcommission under the Great Seal in pursuance of ment by the
    an Order-in-Council, whenever he thinks fit, may in Council,
    appoint justices of the peace in and for the Province
    of Ontario or any part thereof.
- 2. The Justices of the Peace Act is amended by adding Rev. Stat., thereto the following section:
  - 2a.—(1) Any person other than a barrister or solicitor Examinated desirous of being appointed a justice of the peace qualification as to shall be subject to examination in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant-Governor, and no such person shall be appointed a justice of the peace without a certificate from such judge or other person that he has examined the applicant and finds him qualified for the office and that in his opinion a justice of the peace is needed for the public convenience in matters pertaining to the administration of justice.
    - (2) The Lieutenant-Governor in Council may make Regulations regulations for such examination and certificate.
- 3. This Act may be cited as The Justices of the Peace Short title Amendment Act, 1944.



## CHAPTER 29.

An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

> Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,-

Interpre-

- (a) "Board" shall mean Ontario Labour Relations Board; "Board":
- (b) "Minister" shall mean Minister of Labour:

- (c) "regulations" shall mean regulations made under "regulations". this Act; and
- (d) "Wartime Labour Relations Regulations" shall mean "Wartime the Wartime Labour Relations Regulations made Relations under the War Measures Act (Canada) by Order of tions", the Governor-General in Council number P.C. 1003 R.S.C. and dated the 17th day of February, 1944.
- 2.—(1) The Lieutenant-Governor in Council may provide Application for the application of,—
  - (a) the Wartime Labour Relations Regulations a copy of which is set forth as Schedule A to this Act;
  - (b) the regulations made by Order of the Governor-General in Council number P.C. 4020 and dated the 6th day of June, 1941, as amended by Orders of the Governor-General in Council numbers P.C. 4844, P.C. 7068, P.C. 496 and P.C. 4175, dated the 2nd day of July, 1941, the 10th day of September, 1941, the 19th day of January, 1943, and the 20th day of May, 1943, respectively, so far as they are not

inconsistent with the Wartime Labour Relations Regulations a copy of which is set forth as Schedule B to this Act:

- (c) any amendments to such regulations; and
- (d) any other regulations made under or pursuant to the War Measures Act (Canada),

to any or all employees whose relations with their employers are ordinarily within the exclusive legislative jurisdiction of this Legislature to regulate in the manner provided by such regulations and to the employers thereof.

Effect of Dominion regulations. (2) Any regulations or amendments thereto which are made applicable to any of the employees and employers mentioned in subsection 1 shall, subject to any order of the Lieutenant-Governor in Council, have the same force and effect as an Act of this Legislature and shall continue in full force and effect notwithstanding any revocation or amendment thereof made under the War Measures Act (Canada) and notwithstanding that because of the termination of the war or for any other reason they may become inoperative as regulations under the War Measures Act (Canada).

R.S.C.

Agreement with Dominion. 3. Subject to the approval of the Lieutenant-Governor in Council, the Minister may enter into such agreement with the Minister of Labour for Canada as he may deem necessary for the purposes of this Act and of the administration in Ontario of the Wartime Labour Relations Regulations,

Ontario Labour Relations Board. **4.**—(1) There shall be a board which shall be known as the Ontario Labour Relations Board and shall consist of a chairman and not more than six other members.

Powers and duties of Board.

(2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act, the War Measures Act (Canada) or any other Act of this Legislature or any regulation or agreement made under or pursuant to any of such Acts.

Tenure of

**5.**—(1) The chairman and the other members of the Board shall be appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister and shall hold office during pleasure.

Head office.

(2) The head office of the Board shall be in Toronto but the Board may sit at such other places as it deems expedient.

Quorum.

(3) A majority of the members of the Board shall constitute a quorum.

2 (4)

- (4) A decision of the majority of the members of the Decision. Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.
- (5) The Board and each member thereof shall have all Powers the powers which may be conferred upon a commissioner Rev. Stat., appointed under *The Public Inquiries Act*.
- (6) The Board and each member thereof may receive and Evidence accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.
- (7) Subject to the approval of the Lieutenant-Governor in Procedure. Council, the Board may make rules or regulations governing its procedure which are not inconsistent with the Wartime Labour Relations Regulations or any rules or regulations thereunder.
- (8) Each member of the Board shall, before acting as such, onth of take and subscribe before the Clerk of the Executive Council office, and shall file in the office of such Clerk, an oath of office in the following form:
  - "I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (or chairman) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."
- **6.**—(1) The Minister may appoint a Chief Executive officials and Officer and such other officials and employees as may be re-employees. quired for the purpose of the Board.
- (2) The Chairman, the other members of the Board, the Salaries. Chief Executive Officer and the officials and employees appointed by the Minister, shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council and such expenses as may be incurred by them in the discharge of their duties.
- 7. The expenses of the Province incurred in carrying out Expenses,—the provisions of this Act and the Wartime Labour Relations Regulations shall be paid out of the Consolidated Revenue Fund.
- 8. The Lieutenant-Governor in Council may make regula-Regulations.—
  - (a) vesting such further powers in and imposing such further duties on the Board or the Minister as he may deem necessary for the carrying out of this Act;

- (b) providing that, for the purposes of the administration of this Act, the term "Minister" wherever used in any of the regulations or amendments thereto referred to in subsection 1 of section 2 shall mean Minister of Labour for Canada or Minister of Labour for Ontario, as the Lieutenant-Governor in Council in his discretion may deem advisable;
- (c) providing a right of appeal from orders, decisions and rulings of the Board to the Wartime Labour Relations Board established under the Wartime Labour Relations Regulations and prescribing the procedure upon appeals; and
  - (d) generally for the better carrying out of the provisions of this Act.

1943, c. 4 repealed.

**9.**—(1) The Collective Bargaining Act, 1943, is repealed, but for the purposes of this Act and, so far as it is within the competence of this Legislature to prescribe, for the purposes of any Act of the Parliament of Canada or regulations made thereunder, where any trade union or employees' organization is certified under The Collective Bargaining Act, 1943, either before or after the coming into force of this Act, as the collective bargaining agency for a unit or group of employees, the officers of such trade union or employees' organization shall be deemed to have been certified as bargaining representatives for such unit or group of employees under the Wartime Labour Relations Regulations as of the date of such certification, and such certification shall be deemed to have the same effect as if the Wartime Labour Relations Regulations had been in force prior thereto.

Records

(2) All records belonging to or in the possession of The Labour Court of Ontario shall be transferred to the Board, and shall be the property of the Crown in right of Ontario.

Where Act not to apply

- 10. Subject to the provisions of section 9 and to any regulations referred to in section 2, this Act shall not apply to,—
  - (a) the industry of farming;
  - (b) domestic servants:
  - (c) members of any police force; and
  - (d) any municipal corporation, board of public school trustees, board of separate school trustees, high

school board, board of education or any board or commission created or established by a municipal corporation pursuant to statutory authority unless such municipal corporation, board or commission has by by-law, if it has power to pass by-laws, or by resolution or minute, declared this Act applicable thereto and to its employees or any section thereof and any such by-law, resolution or minute may be revoked by a subsequent by-law, resolution or minute, as the case may be.

- 11. Subject to such right of appeal to the Wartime Labour Orders, etc., Relations Board established under the Wartime Labour Re- of Board lations Regulations as may be provided by the regulations, the orders, decisions and rulings of the Board shall be final and shall not be questioned, reviewed, restrained or removed by injunction, prohibition, mandamus, quo warranto, certiorari or otherwise by any court.
- 12. Notwithstanding the provisions of The Judicature 1943, c. 4. Amendment Act, 1944, or of section 9 hereof, The Collective continued Bargaining Act, 1943, and The Judicature Amendment Act, in force. 1943, shall continue in full force and effect so far as may be necessary for the purposes of continuing any proceedings pending in The Labour Court of Ontario on the 20th day of March, 1944.
- 13. The Lieutenant-Governor may by his Proclamation Suspension Suspend the operation of *The Industrial Disputes Investigation* Stat.

  Act from and after a day to be named in the Proclamation c. 203. until a day to be named in a further Proclamation.
- 14. This Act shall come into force on a day to be named Commonweal by the Lieutenant-Governor by his Proclamation.
- 15. This Act may be cited as The Labour Relations Board Short title. Act, 1944.

## SCHEDULE A

to An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

#### P.C. 1003

## AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of February, 1944.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas it is deemed to be in the public interest, especially during the war period and more particularly in industries essential to the prosecution of the war, that employers and employees collaborate for the advancement of the enterprises in which they are engaged;

That employers and employees should freely discuss matters of mutual interest with each other;

That differences between employers and employees should be settled by peaceful means; and

That both employers and employees should be free to organize for the conduct of negotiations between them and that a procedure should be established for such negotiations;

AND WHEREAS it is therefore deemed necessary, by reason of the war, for the security, defence, peace, order and welfare of Canada and for the effective prosecution of the war, that regulations be made in respect of such matters.

Now, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and under the authority of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the regulations hereto attached and they are hereby made and established accordingly.

A. D. P. HEENEY, Clerk of the Privy Council.

#### SHORT TITLE

1. These regulations may be cited as the Wartime Labour Relations Regulations.

#### NTERPRETATION

- 2. (1) In these regulations unless the context otherwise requires,
- (a) "appropriate War Labour Board" means, in connection with any matter the National War Labour Board or the Regional War Labour Board that has jurisdiction in the matter under the Wartime Wages Control Order, 1943;

- (b) "Board" means the Wartime Labour Relations Board established by these regulations;
- (c) "certified bargaining representative" means a bargaining representative certified by the Board under these regulations;
- (d) "collective agreement" means an agreement in writing between an employer or an employers' organization on the one hand and a trade union or an employees' organization on the other hand containing provisions with reference to rates of pay, hours of work or other working conditions;
- (e) "Conciliation Board" means a Board appointed by the Minister under section fourteen;
- (f) "employee" means a person employed by an employer to do skilled or unskilled manual, clerical or technical work; but does not include
  - (i) a person employed in a confidential capacity or having authority to employ or discharge employees; or
  - (ii) a person employed in domestic service, agriculture, horticulture, hunting or trapping;
- (g) "employer" means a person employing more than one employee and includes
  - (i) the National Harbours Board; and
  - (ii) any other body incorporated to act as an agent of His Majesty in right of Canada except any such body whose employees are entitled to a cost-of-living bonus under the order made by the Governor in Council on the twenty-sixth day of August, nineteen hundred and forty-one, for the payment of a cost-of-living bonus to employees of the Government of Canada (P.C. 6702), as amended;

but does not include His Majesty or any person or corporation acting for or on behalf or as an agent of His Majesty except as hereinbefore expressly provided;

- (h) "employers' organization" means an organization of employers formed to regulate relations between employers and employees;
- (i) "employees' organization" means an organization of employees formed to regulate relations between employers and employees;
- (j) "lockout" includes the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of his employees, done to compel his employees, or to aid another employer to compel his employees, to accept terms of employment:
- (k) "Minister" means the Minister of Labour for Canada;
- (1) "prescribed" means prescribed by the Board;
- (m) "strike" or "to go on strike" includes the cessation of work by a body of employees acting in combination or a concerted refusal or a refusal under a common understanding of a number of employees to continue to work for an employer, done to compel their employer, or to aid other employees to compel their employer, to accept terms of employment;
- (n) "trade union" means a provincial, national or international employees' organization, or a local branch chartered by, and in good standing with, such an organization;

- (o) a reference to a section by number only is a reference to the section in these regulations bearing that number and a reference to a subsection by number only is a reference to the subsection bearing that number in the section where the reference occurs;
- (p) words importing the masculine gender include corporations, trade unions, employees' organizations and employers' organizations as well as females.
- (2) No employee shall cease to be such within the meaning of these regulations by reason only of his ceasing to work as the result of a lockout, strike or his wrongful dismissal.

#### APPLICATION

- 3. (1) These regulations apply in the case of employees
- (a) who are employed upon or in connection with a work, undertaking or business that is ordinarily within the legislative authority of Parliament, including, but not so as to restrict the generality of the foregoing,
  - (i) works, undertakings or businesses operated or carried on for or in connection with navigation and shipping, whether inland or maritime;
  - (ii) lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting any province with any other or others of the provinces, or extending beyond the limits of the province;
  - (iii) lines of steamships between a province and any British or foreign country;
  - (iv) ferries between any province and any British or foreign country, or between two provinces; and
  - (v) such works as, although wholly situate within the province, have been or may be declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the provinces;
- (b) who are employed upon or in connection with a work, undertaking or business that is essential to the efficient prosecution of the war;
- (c) whose relations with their employers in matters covered by these regulations are ordinarily within the exclusive legislative jurisdiction of a provincial legislature to regulate and to whom these regulations have been applied by the provincial legislature in respect of their relations with their employers;

and to the employers of all such employees in their relations with such employees and to trade unions, employees' organizations and employers' organizations composed of such employees or employers.

- (2) For the purposes of this section, the employees employed in a work, undertaking or business described in Schedule A to these regulations, and no others, shall be deemed to be employed in connection with a work, undertaking or business that is essential to the efficient prosecution of the war.
- (3) Schedule A to these regulations may be amended, either by the addition or deletion of a class of employees, by an order made by the Governor General in Council.
- (4) If a provincial legislature applies these regulations to any employees as provided for in paragraph (c) of subsection one, every person on whom duties are imposed and in whom powers are vested by these

regulations shall perform and exercise such duties and powers with reference to such employees and their employers and trade unions, employees' organizations, and employers' organizations composed of such employees and employers in all respects as in the case of employees mentioned in paragraphs (a) and (b) of subsection one and their employers and employees' organizations and trade unions and employers' organizations composed of such employees and employers.

## RIGHTS OF EMPLOYEES AND EMPLOYERS

- 4. (1) Every employee shall have the right to be a member of a trade union or employees' organization and to participate in the lawful activities thereof.
- (2) Every employer shall have the right to be a member of an employers' organization and to participate in the lawful activities thereof.
- (3) Where bargaining representatives have been certified under section eight, the bargaining representatives or the employees' employer may, in accordance with the procedure hereinafter set out, enter into negotiations with a view to the completion of a collective agreement between the employer concerned on the one hand and the trade union or employees' organization on the other hand.

#### CERTIFICATION OF BARGAINING REPRESENTATIVES

- 5. (1) The employees of any employer may elect bargaining representatives by a majority vote of the employees affected.
- (2) If the majority of the employees affected are members of one trade union that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected; for the purpose of this section, an employee shall be deemed to be a member of the trade union if he has in writing requested the trade union to elect or appoint bargaining representatives on his behalf.
- (3) Where more than one employer and their employees desire to negotiate a collective agreement, the employees of such employers may elect bargaining representatives by a majority vote of the employees affected of each employer, or, if the majority of the employees affected of each employer are members of one trade union that trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of all the employees affected.
- (4) If in accordance with established trade union practice the majority of a group of employees who belong to a craft by reason of which they are distinguishable from the employees as a whole, are separately organized into a trade union pertaining to the craft, such trade union may elect or appoint its officers or other persons as bargaining representatives on behalf of the employees belonging to that craft. Where any group claims and is entitled to the rights conferred by this subsection, the employees comprising the craft shall not be entitled to vote for any of the purposes of collective bargaining with that employer, except when the collective bargaining is in respect only of the craft to which they belong; nor shall they in any manner be taken into account in the computation of a majority in respect of any matter regarding which they are not entitled to vote.
- (5) Two or more trade unions may, by agreement, join in electing bargaining representatives on terms consistent with these regulations.
- When bargaining representatives have been elected or appointed, application may be made to the Board by or on behalf of such representatives for their certification as the bargaining representatives of the employees affected.
- 7. Upon such application the Board shall by an examination of records, by a vote or otherwise, satisfy itself that an election or appointment of bargaining representatives was regularly and properly made, and in the

case of a trade union, that the trade union acted with the authority of the majority of the employees affected as prescribed by subsection two of section five, and that the unit of employees concerned is one which is appropriate for collective bargaining; and if the Board is not so satisfied, it shall reject the application.

- 8. (1) Where the Board is satisfied that the bargaining representatives have been duly elected or appointed, it shall certify them as bargaining representatives and shall specify the unit of employees on whose behalf the representatives so certified are authorized to act, and a collective agreement negotiated by such representatives shall be binding on every employee in the specified unit of employees.
- (2) When bargaining representatives have been certified by the Board, the Board shall notify the applicants and the employer concerned of the certification.
- 9. At any time after the expiry of ten months of the term of a collective agreement, whether entered into before or after the effective date of these regulations, the employees affected may elect new bargaining representatives in the manner provided in section five and application may be made to the Board by or on behalf of such bargaining representatives for their certification. Upon receipt of such bargaining representatives for their certification. Upon receipt of such application the Board shall deal with the same as in the case of an initial application for certification under the regulations. If on such application the Board certifies new bargaining representatives, they shall be substituted for the previous bargaining representatives of the employees affected as a party to the agreement in question, and as such may give notice of the termination thereof as provided for in the agreement or under these regulations.

## NEGOTIATION OF COLLECTIVE AGREEMENT

- 10. (1) When bargaining representatives have been certified under these regulations they may give the employer concerned, or the employer concerned may give the bargaining representatives, ten clear days' notice requiring that he or they, as the case may be, enter into negotiations with a view to the completion of a collective agreement.
- (2) The parties shall negotiate in good faith with one another and make every reasonable effort to conclude a collective agreement.
- (3) At the request of the bargaining representatives they may be accompanied during the negotiations by officers or agents of the trade union or employees' organization concerned.
- (4) No collective agreement containing wage provisions shall be executed insofar as it involves any change in existing wage rates or other wage provisions until the appropriate War Labour Board has approved any such change, but it may nevertheless be executed as to the other provisions before such approval is received.
- (5) Every party to a collective agreement and every employee upon whom a collective agreement is made binding by these regulations shall do everything he is, by the collective agreement, required to do and shall abstain from doing anything he is, by the collective agreement, required not to do.
- 11. If negotiations for an agreement have continued for thirty days and either party to the negotiations believes that an agreement will not be completed in a reasonable time, it may so advise the Board indicating the difficulties encountered and may ask the Board to intervene with a view to the completion of an agreement.
- 12. (1) Upon receipt of advice under section eleven, the Board shall refer the matter to the Minister, who shall, within three days instruct a conciliation officer to confer with the parties and attempt to effect an
  - (2) A conciliation officer who has been instructed to confer with the

parties under subsection one of this section, shall, within fourteen days of receiving his instructions, or within such longer period as the Minister may allow, report to the Minister setting out in full:—

- (a) the matters, if any, on which the parties cannot agree and his recommendations with regard thereto;
- (b) the terms, if any, upon which the parties have agreed; and
- (c) whether, in his view, an agreement might be facilitated by appointment of a Conciliation Board.
- 13. (1) If a conciliation officer who has been instructed to confer with the parties recommends the appointment of a Conciliation Board, the Minister shall forthwith appoint a Conciliation Board consisting of three members appointed by the Minister after consultation with the parties as required by section thirty.
- (2) A Conciliation Board appointed under this section shall, upon its appointment, endeavour to effect an agreement between the parties on the matters on which they have not agreed and, in any event, shall report the result of its endeavours and its findings and recommendations to the Minister within fourteen days of the appointment of the chairman thereof, or within such longer period as may be agreed upon by the parties or as may be allowed by the Minister.
- 14. If a Conciliation Board's report to the Minister shows that it has been unable to effect an agreement between the parties, the Minister shall cause a copy thereof to be sent forthwith to the parties and to the Board, and he may publish it in such manner as he thinks fit.

#### DURATION AND RENEWAL OF AGREEMENTS

- 15. No collective agreement shall be made for a term of less than one year, but where the term of an agreement is more than one year, the agreement shall contain or be deemed to contain a provision for the termination thereof at any time after one year on two months' notice by either party thereto.
- 16. Either party to a collective agreement may, on ten clear days' notice, require the other party to enter into negotiations for the renewal of the agreement within the period of two months prior to the expiry date, and both parties shall thereupon enter into such negotiations in good faith and make every reasonable effort to secure such a renewal.

#### GRIEVANCE PROCEDURE

- 17. Where an employee alleges that there has been a misinterpretation or a violation of a collective agreement, the employee shall submit the same for consideration and final settlement in accordance with the procedure established by the Collective agreement, if any, or the procedure established by the Board for such case; and the employee and his employer shall do such things as are required of them by the procedure and such things as are required of them by the terms of the settlement.
- 18. (1) Every collective agreement made after these regulations come into force shall contain a provision establishing a procedure for final settlement, without stoppage of work, on the application of either party, of differences concerning its interpretation or violation.
- (2) Where a collective agreement does not provide an appropriate procedure for consideration and settlement of disputes concerning its interpretation or violation thereof, the Board shall, upon application, by order, establish such a procedure.

#### UNFAIR PRACTICES

 (1) No employer shall dominate or interfere with the formation or administration of a trade union or employees' organization or contribute financial or other support to it; but an employer may, notwithstanding the foregoing, permit an employee or representative of a trade union or an employees' organization to confer with him during working hours or to attend to the business of the organization or union during working hours without deduction of time so occupied in the computation of the time worked for the employer and without deduction of wages in respect thereof.

- (2) No employer or employers' organization, and no person acting on behalf of same shall
  - (a) refuse to employ any person because the person is a member of a trade union or an employees' organization;
  - (b) impose any condition in the contract of employment seeking to restrain an employee from exercising his rights under these regulations; or
  - (c) seek by intimidation, by dismissal or threat of dismissal, by any other kind of threat, by the imposition of a pecuniary or other penalty, or by any other means whatsoever, to compel an employee to abstain from becoming or continuing to be a member or officer or representative of a trade union or an employees' organization, or from exercising his lawful rights;

but nothing in these regulations shall be interpreted to affect, otherwise than as expressly stated, the right of an employer to suspend, transfer, lay off, or discharge employees for appropriate and sufficient cause.

- 20. (1) No person shall, with a view to compelling or influencing a person to join a trade union or employees' organization, use coercion or intimidation of any kind, but this subsection shall not be construed to prohibit the inclusion of any provision in a collective agreement.
- (2) Except with the consent of the employer, no trade union or employees' organization, and no person authorized by the union or employees' organization to act on its behalf, shall attempt, at the employee's place of employment during his working hours, to persuade an employee to join the trade union or employees' organization.
- (3) No trade union or employees' organization and no person acting on its behalf shall support, encourage, condone or engage in a "slowdown" or other activity designed to restrict or limit production; but this provision shall not be interpreted to limit a trade union's legal right to strike and a thing required by a provision in a collective agreement for the safety or health of the employees shall be deemed not to be a "slowdown" or designed to restrict or limit production.
- (4) No trade union or employees' organization, and no person acting on its behalf, shall participate in, or in any way interfere with, the formation or administration of an employers' organization.

#### STRIKES AND LOCKOUTS

- 21. (1) No employee shall go on strike until
- (a) bargaining representatives have been elected or appointed for the employees affected; and
- (b) an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.
- (2) Where an application has been made under these regulations for the certification of bargaining representatives, the employer of the employees affected shall not declare or cause a lockout of the employees until an attempt has been made to effect an agreement under sections eleven and twelve, and fourteen days have elapsed since the Conciliation Board reported to the Minister.

- (3) No employer who is a party to a collective agreement shall declare or cause a lockout and no employee bound thereby shall go on strike during the term of the collective agreement.
- (4) Where a dispute has arisen by reason of a change in the existing terms of employment proposed by the employer, the employer shall not, without the consent of the employees affected, make such change effective until a period of two months has elapsed from the date when the employer notified the employees of such proposed change.
- (5) Nothing in these regulations shall be interpreted to prohibit the supersion of discontinuance of an industry or of the working of any persons therein for a cause not constituting a lockout or a strike.

#### Information

- 22. (1) Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the Board.
- (2) The Board may require any employers' organization or trade union or local branch thereof, or an employees' organization affected by any application for certification of bargaining representatives, or affected by an existing collective agreement, to file with the Board;
  - (a) a statutory declaration stating the names and addresses of its officers; or
  - (b) a copy of its constitution and by-laws.
- (3) Every employers' organization, trade union and employees' organization shall furnish to its members within three months of the end of its fiscal year a statement of its income and expenditures, and if required by the Board shall file a copy thereof with the Board for its information.

#### Administration

#### Wartime Labour Relations Board

- 23. There shall be a Board which shall be known as the Wartime Labour Relations Board and shall consist of a chairman, vice-chairman, and not more than eight other members.
- 24. (1) The members of the Board shall be appointed by the Governor in Council and shall hold office during pleasure.
  - (2) The head office of the Board shall be in Ottawa.
- (3) A majority of the members of the Board shall constitute a quorum and in the absence of the chairman the vice-chairman shall act as chairman.
- (4) A decision of the majority of the members of the Board present and constituting a quorum shall be the decision of the Board, and in the event of a tie the chairman or acting chairman shall have a casting vote.
- (5) The Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.
- (6) The Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible as evidence in a court of law or not.
- (7) The Board shall determine its own procedure but shall in every case give an opportunity to all interested parties to present evidence and make representations.
- (8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Privy Council and shall file in the office of the said Clerk an oath of office in the following form:—

- "I do solemnly swear that I will faithfully, truly and impartially to the best of my judgment, skill and ability, execute and perform the office of member of the Wartime Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or other matter brought before the said Board. So help me God.
- 25. (1) If a question arises under these regulations as to whether:
- (a) a person is an employer or employee;
- (b) the unit of employees appropriate for collective bargaining is the employer unit, craft unit, plant unit or a subdivision thereof;
- (c) an organization of employees or employers is a trade union, employees' organization or employers' organization;
- (d) an agreement is a collective agreement;
- (e) an employer, or certified bargaining representatives of employees, is negotiating in good faith;

the Board shall decide the question and its decision shall be final and conclusive for all the purposes of these regulations.

- (2) If a question set out in subsection one arises in any legal proceedings, the Justice or Justices of the Peace, Magistrate, Judge or Court before whom it arises shall, if the question has not been decided by the Board, refer the question to the Board and defer further proceedings until the Board's decision is received.
- (3) Any document purporting to contain or to be a copy of any regulation, direction, or order of the Board and purporting to be signed by a member of the Board or by an officer thereof shall be accepted by any court as evidence of the regulation, direction, or order therein contained or of which it purports to be a copy.
- 26. (1) The Board may, by order, delegate to any person, board or association all or any part of its jurisdiction relating to any particular
- (2) The Board may, by order, revoke any delegation made under this section and thereupon the jurisdiction so delegated shall revest in the
- 27. (1) The Board may, with the approval of the Minister, make such regulations as may be necessary to enable it to discharge the duties imposed upon it by these regulations and to provide for the supervision and control of its officers, clerks and employees.
- (2) The Board may prescribe anything, which, under these regulations, is to be prescribed.
- (3) The Board, with the approval of the Minister, may appoint an executive committee to exercise its powers subject to such directions or conditions as the Board may specify.
- 28. (1) The members of the Board shall be paid such salaries as may be fixed by the Governor in Council and such expenses as may be incurred by them in the discharge of their duties.
- (2) The Board may appoint an officer to be the Chief Executive Officer of the Board who shall be paid such salary as may be fixed by the Governor in Council:
- (3) The Department of Labour shall furnish such technical and clerical assistance to the Board as may be possible, and the Board may, with the approval of the Governor in Council, employ such other officers and employees as may be necessary for the conduct of its business and may fix their remuneration.

## CONCILIATION OFFICERS AND BOARDS

- 29. When he instructs a conciliation officer under section twelve, the Minister shall forth notify the parties thereof.
- 30. (1) Before appointing a Conciliation Board under section thirteen, the Minister shall by notice require each of the parties to the negotiations to recommend one person to be a member of the Conciliation Board within seven days of receipt of the notice; and the Minister shall, at the expiration of the said period, appoint two members, in his opinion, repretive of the different points of view involved, after considering the recommendations, if any, received within the said period.
- (2) The two members of the Conciliation Board appointed pursuant to subsection one shall, within five days of the day on which the last of them is appointed, recommend a third person to be a member and chairman of the Conciliation Board; and the Minister shall, on the expiration of the said period, appoint a person to be a third member and chairman of the Conciliation Board after considering the recommendation if received
  - (3) No person
  - (a) who has any pecuniary interest in the matters referred to the
  - (b) who is acting, or has, within a period of six months preceding the date of his appointment, acted in the capacity of solicitor, legal adviser, counsel or paid agent of either of the parties;

shall act as a member of a Conciliation Board.

- (4) When the Conciliation Board has been appointed, the Minister shall forthwith deliver to it a statement of the matters referred to it.
- (5) Upon a person ceasing to be a member of a Conciliation Board before it has completed its work, the Minister shall appoint a member in his place in the same manner as the person who ceased to be a member was appointed.
- 31. (1) A Conciliation Board and each member thereof shall have the powers of a Commissioner under Part I of the Inquiries Act.
- (2) A Conciliation Board and each member thereof may receive and accept such evidence and information on oath, affidavit or otherwise as in its or his discretion it or he may deem fit and proper whether admissible in evidence in a court of law or not.
- (3) Each member of a Conciliation Board shall, before acting as such, take and subscribe before a person authorized to administer an oath or affirmation, and file with the Minister, an oath or affirmation in the following form:
  - "I do solemnly swear (affirm) that I will faithfully, truly and
- (4) The chairman may fix the time and place of sittings of a Conciliation Board after consultation with the other members of the Board; and he shall notify the parties as to the time and place so fixed.
- (5) A Conciliation Board may determine its own procedure, but shall give full opportunity to all parties to present evidence and make repre-
- (6) The chairman and one other member of a Conciliation Board shall be a quorum but, in the absence of a member, the others shall not proceed unless he has been given reasonable notice of the sitting.

- (7) The decision of a majority of the members present at a sitting of a Conciliation Board shall be the decision of the Conciliation Board and in the event of a tie, the chairman shall have a casting vote.
- (8) The report of the majority of its members shall be that of the Conciliation Board.
- (9) After a Conciliation Board has made its report, the Minister may direct the Conciliation Board to reconsider and amplify or clarify any part thereof.
- (10) After a Conciliation Board has made its report, the Minister shall send a copy thereof to the employer or employers' organization and to the trade union or employees' organization.
- 32. The Minister may provide a Conciliation Board with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties.
- 33. Every person who is summoned by a Conciliation Board or a member thereof and duly attends as a witness shall be entitled to an allowance for expenses determined in accordance with the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted, and in any event, he shall be entitled to not less than four dollars per day.
- 34. A Conciliation Board, or a member thereof, and, on being authorized in writing by the Conciliation Board, any other person, may, without any other warrant than this section, at any time, enter a building, mine, mine-workings, ship, vessel, lactory, workshop, place, or premises of any kind wherein or in respect of which an industry is carried on, or work is being or has been done or commenced, or any matter or thing is taking place or has taken place, concerning the matters referred to the Conciliation Board, and may inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such place, matter or thing hereinbefore mentioned; and no person shall hinder or obstruct the Board or any person authorized as aforesaid in the exercise of a power conferred by this section or refuse to answer an interrogation made as aforesaid.
- 35. (1) The members of Conciliation Board shall be remunerated for their services as follows:-

To a member other than the chairman, an allowance of five dollars a day for not more than three days during which he is engaged in considering the recommendation of a person to be the third member of the Board;

To each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day he is present when the Board sits and for each day necessarily spent travelling from his place of residence to a meeting of the Board and returning therefrom.

- (2) Each member of a Conciliation Board is entitled to his actual necessary travelling expenses for each day that he spends in travelling from his place of residence to a meeting of the Board and returning there-
- (3) All expenses of a Conciliation Board, including expenses for transportation incurred by the members thereof or by persons engaged, under its orders, in making investigations under these regulations, salaries of employees and agents, and fees and mileage to witnesses, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board and forwarded by the chairman to the Minister.

The chairman shall forward to the Minister a detailed certified statement of the sittings of the Board, and of the members present at each sitting.

#### GENERAL

- 36. (1) The Minister may appoint or constitute administrative officers or agencies in any province and delegate to them such of his powers under these regulations as in his opinion is necessary for their proper administration.
- (2) The Minister may with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the administration within that province of these regulations or any part thereof and such agreement may provide
  - (a) the manner in which the Minister shall exercise the powers conferred on him by subsection one in respect of matters in that province:
  - (b) for the transfer to the government of the province or some person or persons specified by the government of the province, of all or any part of the jurisdiction in respect of matters within that province conferred on the Board by these regulations, and for a procedure whereby an appeal may be had to the National Board from a decision made in the exercise of the jurisdiction so conferred; and
  - (c) for reimbursement of the province in respect of expenses so incurred.
- 37. (1) The Minister may determine the salaries, fees and expenses to be paid to persons performing services under these regulations except where otherwise provided.
- (2) The administrative expenses of the Board, other than the salaries and usual travelling expenses of departmental employees, shall be paid out of the War Appropriation.

#### ENFORCEMENT

- 38. Every person, trade union or employers' or employees' organization to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to these regulations shall obey such order or do or abstain from doing such thing as required.
- 39. For the purpose of these regulations and of any proceedings taken thereunder, any notice or other communication sent through His Majesty's mails shall be presumed, unless the contrary is proved, to have been received by the addressee in the ordinary course of mail.
- 40. Every employer who declares or causes a lockout contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than five hundred dollars for each day or part of a day that the lockout exists.
- 41. (1) Every employee who goes on strike contrary to these regulations is guilty of an offence and liable upon summary conviction to a fine of not more than twenty dollars for each day or part of a day that he is on strike.
- (2) Every trade union and every other employees' organization that authorizes a strike contrary to these regulations is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars for each day or part of a day that the strike continues.
- 42. Every person, trade union, employees' organization or employers' organization who contravenes any of the provisions of these regulations is guilty of an offence, and unless some penalty is expressly provided by these regulations for such contravention, liable on summary conviction, if an individual, to a penalty of not more than one hundred dollars, and if a corporation, employers' organization, employees' organization or trade union, to a penalty of not more than five hundred dollars.

- 43. Every person is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars, and not less than five hundred dollars or to imprisonment for a term not exceeding five years and not less than six months, or to both such fine and such imprisonment, who
  - (a) makes any offer, proposal, gift, loan or promise, or gives or offers any compensation or consideration, directly or indirectly, to a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, for the purpose of influencing such person in the performance of his duties; or
  - (b) being a person concerned in the administration or enforcement of these regulations or having or expected to have any duties to perform thereunder, accepts or agrees to accept or allows to be accepted by any person under his control or for his benefit any such offer, proposal, gift, loan, promise, compensation or con-
- 44. (1) Every person is a party to and guilty of an offence under these regulations who
  - (a) actually commits it;
  - (b) does an act for the purpose of aiding any person to commit the offence;
  - (c) abets any person in commission of the offence; or
  - (d) counsels or procures any person to commit the offence.
- (2) If an employers' organization, corporation, trade union or employees' organization, is guilty of an offence under these regulations, any officer of the employers' organization, corporation, trade union or employees' organization who assented to the commission of the offence is a party to and guilty of the offence.
- 45. No prosecution for an offence under these regulations shall be instituted except by or with the consent of the Board, evidenced by a certificate signed by or on behalf of the chairman of the Board, and in exercising its discretion as to whether any such consent should be granted, the Board may take into consideration disciplinary measures that have been taken by an employers' organization or a trade union or employees' organization against the accused.
- 46. The Minister may, notwithstanding any other provision in these regulations, instruct a conciliation officer to investigate any situation which in his opinion may be detrimental to the effective utilization of labour in the war effort.

#### MISCELLANEOUS

- 47. No proceeding under these regulations shall be deemed invalid by reason of any defect of form or any technical irregularity.
- 48. (1) The Industrial Disputes Investigation Act shall, except as to matters pending when these regulations come into force, be of no effect while this order is in force.
  - (2) The following Orders in Council are hereby revoked:-
  - (a) The Order in Council made on the seventh day of November, nineteen hundred and thirty-nine, extending the application of the Industrial Disputes Investigation Act (P.C. 3495) as amended;
  - (b) The Order in Council made on the first day of December, nineteen hundred and forty-two, permitting employees of Crown companies to be members of trade unions (P.C. 10802).

- (3) The following Orders in Council extending or varying the wartime application of the Industrial Disputes Investigation Act are hereby suspended to the extent that they are inconsistent with these regulations but shall otherwise remain in effect:—
  - (a) The Order in Council made on the sixth day of June, nineteen hundred and forty-one (P.C. 4020) as amended; and
  - (b) The Order in Council made on the sixteenth day of September, nineteen hundred and forty-one (P.C. 7307) as amended.
- 49. These regulations shall come into force on a day to be fixed by the Governor in Council.

#### SCHEDULE A

- 1. A work or undertaking engaged in mining or smelting operations;
- A work, undertaking or business engaged in manufacturing or assembling aircraft parts;
- A work, undertaking or business engaged in manufacturing or assembling tanks or universal carriers;
- A work, undertaking or business engaged in manufacturing or assembling automobile or truck parts;
- 5. A work, undertaking or business engaged in smelting or refining
- A work, undertaking or business engaged in refining or producing oil or petroleum products;
- A work, undertaking or business engaged in producing or processing natural or synthetic rubber;
- 8. A work, undertaking or business engaged in manufacturing chemicals for war purposes;
- A work, undertaking or business engaged in producing or manufacturing steel for war industry or war purposes;
- 10. A work, undertaking or business engaged in building or construction or demolition projects under a contract or subcontract, intended for the use of His Majesty in right of Canada, including the construction, erection, repair, improvement or extension of buildings, aerodromes, harbours, dockyards, roads, defence fortifications, or other naval, military or air force works;
- A work, undertaking or business engaged in shipbuilding, including shipbuilding accessories;
- 12. A work, undertaking or business engaged in the production of machinery, arms, shells, ammunition, explosives, implements of war, or naval, military or air stores;
- 13. A work, undertaking or business engaged in transportation or com-
- Public Service utilities, including gas, electric, water and power works, telegraph and telephone lines.

#### SCHEDULE B

to An Act to authorize the Application of the Wartime Labour Relations Regulations made under the War Measures Act (Canada) to certain Employees and Employers and to provide for the establishment of the Ontario Labour Relations Board.

#### P.C. 4020

(as amended by P.C. 4844; P.C. 7068; P.C. 496 and P.C. 4175, dated the 2nd day of July, 1941, the 10th day of September, 1941, the 19th day of January, 1943, and the 20th day of May, 1943, respectively.)

#### AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 6th day of June, 1941.

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

Whereas the Minister of Labour reports that the extension of the Industrial Disputes Investigation Act to war industries has necessarily resulted in a marked increase in the number of applications for Board of Conciliation and Investigation; and

That a number of such applications may have reference to disputes of a nature prima facie as not to warrant the appointment of a Board of Conciliation and Investigation;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act is pleased to order and it is hereby ordered as follows:

- 1. When in any industry to which the Industrial Disputes Investigation Act, as extended by P.C. 3495 and P.C. 1708, applies, a strike or tion Act, as extended by P.C. 3495 and P.C. 1706, appnes, a strike of lockout has occurred or seems to the Minister of Labour to be imminent and whether or not a Board of Conciliation and Investigation has been applied for and whether or not either of the parties to the dispute has submitted a declaration that, failing an adjustment of the dispute, a lockout or strike will be declared, and whether or not authority to declare the strike will be declared, and whether or not authority to declare such lockout or strike has been obtained, as required by Section 16 (2) of the Industrial Disputes Investigation Act, the Minister of Labour may refer the dispute to a tribunal to be designated as An Industrial Disputes Inquiry Commission, which shall make a preliminary investigation into the dispute promptly and, if a mutually satisfactory adjustment is not arrived at, shall advise the Minister on the matters at issue and whether the circumstances warrant the appointment of a Board of Conciliation and Investigation under the provisions of the Industrial Disputes Investigation Act, provided, however, that the Commission shall not offer any opinion as to the merits or substantial justice of such features of the case as may have to be submitted to a Board of Conciliation and Investigation.
- 2. An Industrial Disputes Inquiry Commission shall consist of one or more members appointed by the Minister of Labour and each member thereof shall have the full powers of a Commissioner under the provisions of the Inquiries Act, and may in the above circumstances inquire into any such dispute, lockout or strike or into any matters or circumstances connected therewith referred to such Commission by the Minister.

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- The members of an Industrial Disputes Inquiry Commission shall be remunerated for their services in accordance with the provisions of Section 52 of the Industrial Disputes Investigation Act.
- 4. All charges and expenses incurred by the Government in connection with the administration of these provisions shall be defrayed out of the appropriations provided by Parliament for the administration of the Industrial Disputes Investigation Act.
- 5. An Industrial Disputes Inquiry Commission shall, upon direction of the Minister of Labour, examine into any allegation that any person has been discharged or discriminated against for the reason that he is a member of or is working on behalf of a trade union or that any person has been improperly coerced or has been intimidated to induce him to join a trade union and, failing settlement of the matters at issue, shall forthwith report its findings and recommendations to the Minister of Labour. The Minister shall issue whatever order he deems necessary to effect such recommendations and such order shall be final and binding upon the employer and employees and any other person concerned.
- (2) Any person refusing or failing to comply with an order of the Minister made under this section, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) for every day that such refusal or failure to comply continues.
- Nothing in the foregoing shall be construed to give employees the right to work for or to attempt to organize a union in their working hours, at the place of their employment.
- 7. The provisions of Sections 57 and 59 of the Industrial Disputes Investigation Act shall apply with respect to any strike or lockout pending investigation by an Industrial Disputes Inquiry Commission.
- 8. The Minister of Labour may appoint an Industrial Disputes Inquiry Commission for the purpose of investigating any situation which in his opinion appears to be detrimental to the most effective utilization of labour in the war effort. The Commission shall report its findings and recommendations to the Minister of Labour who may take such steps as he deems necessary and desirable to effect such recommendations.



#### CHAPTER 30.

# An Act to amend The Law Society Act.

Assented to March 14th, 1944, except section 1.
Section 1 assented to April 6th, 1944.
Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 5 of *The Law Society Act* is amended by  $\frac{\text{Rev. Stat.}}{(a,221,8.5)}$  inserting after the word "Justice" in the first line of clause a amended. the word "and", and by striking out the words "and every person who has held either of those offices" in the said clause a and the words "and every person who has held that office" in clause b, so that the first two lines of the section and the said clauses shall now read as follows:
  - The following, if and while continuing members of the Ex officio Bar of Ontario, shall, ex officio, be benchers of the benchers. Society:
    - (a) The Minister of Justice and the Solicitor-General of Canada:
    - (b) The Attorney-General for Ontario;

. . . . . . . . . . . .

- (2) The amendments made by subsection 1 shall not be Exceptions. deemed to affect the right of any person who is a bencher at the time of the coming into force of this section, to be a bencher.
- 2. Section 50 of *The Law Society Act* is amended by striking Rev. Stat., out the words "the widows and orphans of barristers and c. 221, 5.50, solicitors" in the second line and inserting in lieu thereof the words "barristers or solicitors, their widows, orphans or dependents", and by striking out the words "widows and orphans" in the sixth and seventh lines and inserting in lieu thereof the words "barristers or solicitors, their widows, orphans or dependents", so that the said section shall now read as follows:
  - The benchers may establish a fund for the benefit Law of barristers or solicitors, their widows, orphans or Fund

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dependents to be called "The Law Benevolent Fund", and may make all necessary rules and regulations for the management and investment of such fund, and the terms of subscription and appropriation thereof, and the conditions under which such barristers or solicitors, their widows, orphans or dependents shall be entitled to share in such fund.

Short title.

3. This Act may be cited as The Law Society Amendment Act. 1944.

#### CHAPTER 31.

# An Act to amend The Legislative Assembly Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 of section 9 of *The Legislative Assembly* Rev. Stat., Act as amended by subsection 1 of section 4 of *The Statute* 5.12.3.5. Law Amendment Act, 1939 (No. 2) is further amended by amended adding thereto the following clause:
  - (dd) any person holding any temporary employment in the service of the Dominion of Canada during the period of the war between Canada and Germany and Japan.
- 2. This Act may be cited as The Legislative Assembly Short title.

  Amendment Act. 1944.



#### CHAPTER 32.

# An Act to amend The Legitimation Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Legitimation Act is amended by adding thereto the Rev. stat., following section:
  - 6.—(1) Where the mother of an illegitimate child, such intestage child not being legitimated by this Act, dies intes-illegitimate tate as respects all or any of her real or personal property, and does not leave any legitimate issue her surviving, the illegitimate child, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.
  - (2) Subject to the provisions of subsection 8 of section 6 Intestacy of The Adoption Act where an illegitimate child, child. not being legitimated by this Act, dies intestate in Rev. Stat., respect of all or any of his real or personal property, his mother, if surviving, shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.
- 2. This Act may be cited as The Legitimation Amendment Short title. Act, 1944.



#### CHAPTER 33.

# The Liquor Authority Control Act, 1944.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.-

Interpreta-

- (a) "authority" shall mean an authority issued under "authority"; this Act:
- (b) "authority district" shall mean an authority district "authority constituted under this Act;
- (c) "authorized premises" shall mean premises for which "authorized an authority is issued;
- (d) "beer" shall mean beer as defined by The Liquor "beer".

  Control Act;

  Rev. Stat.,
  294.
- (e) "Board" shall mean The Liquor Authority Control "Board"; Board of Ontario:
- (f) "justice" shall mean magistrate and where no magis-"justice": trate is available shall mean two or more justices of the peace;
- (g) "liquor" shall mean liquor as defined by The Liquor "liquor": Control Act:
- (h) "Minister" shall mean the member of the Executive "Minister": Council to whom, for the time being, is assigned the administration of this Act;
- (i) "regulations" shall mean regulations made under this "regulations"; Act; and
- (j) "wine" shall mean wine as defined by The Liquor"wine".

  Control Act.

### Creation of Board.

The Liquor Authority Control Board. 2. There shall be a Board known as "The Liquor Authority Control Board of Ontario" consisting of three members appointed by the Lieutenant-Governor in Council.

Chairma and vicechairman **3.** The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof, and may designate another of the members to be vice-chairman.

Quorum

4. Two members of the Board shall constitute a quorum.

Disqualification,members

- 5. No member, registrar, deputy registrar, official, inspector or employee of the Board shall by himself, his partner or agent have any interest directly or indirectly in,—
  - (a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor, beer or wine;
  - (b) any authorized premises; or
  - (c) any contract of any nature in respect to any authorized premises, or any premises upon which liquor, beer or wine is manufactured, produced, sold or kept for sale.

Salaries of Board. 6. The members of the Board shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council.

Staff.

7. The staff of the Board shall consist of a registrar, deputy registrars, and such officials, inspectors and employees as the Board, with the approval of the Lieutenant-Governor in Council, may appoint.

Salaries of staff.

**8**. The registrar, deputy registrars, officers, inspectors and employees of the Board shall be paid such salaries or other remuneration as the Board with the approval of the Lieutenant-Governor in Council may determine.

Special

**9.** Whenever the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any service such person shall be paid such, sum for services and expenses as the Board with the approval of the Lieutenant-Governor in Council may determine.

Payment by Provincial Treasurer. 10. The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be paid monthly by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario.

11. No member of the Board, registrar, deputy registrar, Omeials not official, inspector or employee of the Board shall be compelled to testary. able to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board.

### Authority Districts.

12. The Lieutenant-Governor in Council may designate Authority any area in Ontario as an authority district.

#### Proceedings Before Board.

- 13. Proceedings before the Board shall be instituted by Form of application and the Board may make such orders, give such directions and issue such certificates as it may deem proper or as may be necessary or incidental to the exercise of its powers.
- 14. Where in the opinion of the Board any of the relevant Review circumstances relating to any application heard by it have of order altered or new evidence in connection therewith has become available the Board may review any order made upon such application.
- 15. The Board may summon any person and require him Attendance to give evidence on oath and to produce such documents and things as the Board deems requisite and the Board shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.
- 16. No order, direction, certificate or subpoena or other Validaty document of the Board shall be valid or binding unless it is issued in the name of the Board, sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar.
- 17. The decisions, orders and rulings of the Board shall Finality of be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, quo warranto proceedings or other process or proceedings in any court; provided, however, that the Board may or at the request of any person having a proprietary interest in the matter before the Board, state a

R.S.C. case on a point of law only as provided by Part XV of the Criminal Code (Canada).

#### Authorities.

Powers of Board. 18. Except as herein provided the Board may issue authorities for the sale of beer and wine in respect of such premises as the regulations may prescribe or define and may renew, consent to the transfer of, suspend or cancel any such authority and shall not be required to give reasons for any such action.

Expiration of authority.

19. Subject to the provisions of this Act relating to the renewal, suspension and cancellation of authorities, every authority shall expire at midnight on the 31st day of March next following the issue thereof.

Restriction on number of authori-

**20**. The Board may restrict the number of authorities which it shall issue in any municipality.

Where issue of authority prohibited

- **21**.—(1) No authority may be issued or renewed under this Act to any person who,—
  - (a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the authority is sought;
  - (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may prescribe;
  - (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
  - (d) as a police constable, police officer or in any other capacity is engaged in law enforcement, or to any member of the family of any such person residing with him;
  - (e) if an individual, is not a British subject;
  - (f) if a corporation, does not comply with the requirements of this Act and the regulations;
  - (g) if a club, does not comply with the requirements of this Act and the regulations; or
  - (h) applies in respect of any premises which do not conform to the regulations or any premises for which by reason of the location thereof an authority may

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not be issued because of the provisions of The Liquor Control Act.

- (2) Any person applying for the issue or renewal of an Failure to authority who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 22 shall be guilty of an offence.
- 22.—(1) No authority may be issued or renewed under this Where issue of Act.-
  - (a) to any person who is under agreement with any person to sell the liquor, beer or wine of any manufacturer:
  - (b) to any manufacturer of liquor, beer or wine or his agent, or to any person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
  - (c) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor, beer or wine of any manufacturer: or
  - (d) for any premises in which any manufacturer of liquor, beer or wine has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.
- (2) If the existence of any of the conditions indicated in Failure to disclose. subsection 1, whether such condition existed at the time of the issue of the authority or arises thereafter, is not disclosed to the Board such non-disclosure shall be an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest.
- 23. -(1) No authority may be issued to a corporation Corporawhich is not incorporated in accordance with the regulations.
- (2) The directors of an incorporated company which applies Information for the issue, renewal or transfer to it of an authority, shall attions. the time of making such application or at any other time during the term of the authority, when ordered by the Board, produce such particulars of the officers and shareholders of the company as may be required.

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24.—(1) No authority may be issued in respect of a club which is not incorporated or organized and operated in accordance with the regulations or in respect of a club which is operated for pecuniary gain.

(2) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a duly chartered branch of any of the established war veterans' organizations in Canada as prescribed by the regulations.

(3) Notwithstanding the provisions of subsection 1, the Board may issue an authority to a club which is a fully chartered branch or union of any of the established labour organizations in Canada as prescribed by the regulations.

Veterans'

(4) Any member of a chartered branch of any of the war veterans' organizations, or labour organizations prescribed by the regulations shall for the purposes of this Act, be deemed to be a member of a chartered branch to which an authority is issued under this Act, if the rules of the organization and of such branch so permit.

#### Rights in Authority.

25. No person shall enjoy a vested right in the continuance of an authority and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of such authority shall not be capitalized but shall become the property of the Crown in right of Ontario.

26. The Board shall hold an annual meeting at a convenient place determined by the Board in each authority district between the 1st day of November and the 31st day of January in the year next following.

Notice of

27. Notice of the annual meeting in the form prescribed by the regulations shall be published in a newspaper having a general circulation in the authority district at least ten days before such meeting.

Business of

28. The Board shall at the annual meeting hear and determine applications for the renewal of authorities.

# Special Meetings.

- 29. The Board may hold such special meetings as it deems necessary for the hearing and determination of,-
  - (a) applications for new authorities;

- (b) deferred applications for renewals of authorities:
- (c) proceedings involving the cancellation or suspension of an authority:
- (d) applications for transfers of authorities;
- (e) proceedings in compensation matters;
- (f) applications for revocation of the suspension of an authority:
- (g) applications for review of orders of the Board; and
- (h) other matters within the jurisdiction of the Board.

### Proceedings on Applications

- **30**. Every application shall be in the form prescribed by Filing of the regulations and shall be filed with the deputy registrar application. of the authority district in which are located the premises concerning which the application is made not less than ten days before the meeting of the Board at which the application is to be heard.
- 31. Notice of the application for an authority in the form Publication. prescribed by the regulations shall be published twice in a newspaper having a general circulation in the authority district, such publications to be at least one week apart and the second of such publications to be not less than two weeks before the meeting of the Board at which the application is to be heard.
- 32. An authority shall not be issued by the Board unless Personal the applicant therefor appears in person but an incorporated application. company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board.
- 33. Unless otherwise directed by the Board it shall not be Renewals. necessary for an applicant for the renewal of an authority to publish notice of his application or to appear in person before the Board.
- 34. (1) Any person resident in an authority district where Objections. the premises concerning which the application is made, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least three days before the meeting at which the application is to be heard.
- (2) Upon the receipt of any objection to an application, Appleant the deputy registrar shall notify the applicant thereof.

Cancellation and Suspension of Authorities.

Application for cancellation. **35.**—(1) Upon an application being made to the Board for the cancellation or suspension of an authority, the Board may in its discretion by notice in writing require the holder of the authority to show cause to the Board why the authority should not be cancelled or suspended, and in the event of the failure of the holder of the authority to show cause the Board shall take such action as the circumstances may require.

Notice to authority holder. (2) The notice required by subsection 1 shall be sent by prepaid post by the Board to the authority holder at his last known address at least seven days before the date of the meeting.

Powers of Board at hearing.

- **36.** Upon the hearing of an application for suspension or cancellation of an authority the Board may dismiss the application or make such order as it deems proper and in any such order may.—
  - (a) suspend the authority for an indefinite period;
  - (b) cancel the authority;
  - (c) disqualify any person from holding an authority;
  - (d) disqualify any premises from being eligible as authorized premises; and
  - (e) impose such conditions upon the holder of the authority as the circumstances may require.

When authority to be cancelled.

37. The Board shall cancel an authority for the following causes,—

Rev. Stat., c. 294.

- (a) persistent non-compliance of the authority holder with the requirements of this Act or *The Liquor Control Act* or the regulations hereunder or thereunder:
- (b) persistent failure by the authority holder to carry out the orders of the Board, The Liquor Control Board of Ontario or the Fire Marshal of Ontario;
- (c) persistent failure to keep the authorized premises in a clean and sanitary condition:
- (d) persistent non-compliance by the authority holder of any municipal by-law affecting the authorized premises; or

(e) the existence of any of the circumstances which under the provisions of subsection 1 of section 21 or subsection 1 of section 22 prevent the issue of an authority.

#### Transfer of Authorities.

- 38 .- (1) No authority may be sold, leased, assigned, Transfer of charged, transferred or otherwise dealt in or disposed of authorities except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent.
- (2) Upon any transfer of an authority the vendor shall pay Monopoly to the Treasurer of Ontario the monopoly value of the author point to ity at the time of sale to be determined by a fee, schedule, Treisurer of Ontario the monopoly value of the author point to ity at the time of sale to be determined by a fee, schedule, Treisurer of Ontario to the author of Ont or other method of valuation as may be prescribed by the regulations, provided that in no event shall the vendor be required to pay a sum upon a transfer which shall operate to reduce the vendor's interest after such payment below the value of the actual capital investment of the vendor at the time of the transfer of the authority.
- (3) The Board may in its discretion require the directors Transfer of of any incorporated company which is the holder of an shires in in authority to present to the Board for approval any transfer company. of shares of its capital stock and where in the opinion of the Board a substantial interest is transferred the provisions of subsection 2 shall mutatis mutandis apply.
- 39.—(1) Subject to the approval of the Lieutenant-Power of Governor in Council the Board shall have the right to purchase Board to any authorized premises or any shareholding interest therein premises. at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under the provisions of section 38 and the Board may exercise such right by serving notice in writing thereof upon the vendor.
- (2) Whenever the Board has exercised the right of purchase Payment of mentioned in subsection 1, the purchase price or any portion price thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario upon the requisition of the Board.
- (3) Subject to the approval of the Lieutenant-Governor in Board Council, the Board may sell any authorized premises or any authorized shareholding interest acquired under this section.

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## Compensation for Disqualification.

Compensation may be awarded. Chap. 33.

40.—(1) Where the Board disqualifies any premises from holding an authority for a cause which is not the fault of or is beyond the control of the authority holder, it may, subject to the approval of the Lieutenant-Governor in Council, award by way of compensation to the owner of the premises or to the holder of the authority as the Board sees fit a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises which sum shall be determined by a fee, schedule, or other method of valuation prescribed by the regulations.

Payment by Treasurer of Ontario. (2) The Treasurer of Ontario shall pay out of the net profits of The Liquor Control Board of Ontario the compensation mentioned in subsection 1 upon the requisition of the Board.

#### Revenue.

Payment of revenue.

**41**. All monies received by the Board from authority fees or otherwise arising in the administration of this Act shall be paid to The Liquor Control Board of Ontario.

#### Sale of Liquor in Authorized Premises.

Beer and wine bought under control of Board.

42. No beer or wine may be kept for sale, sold or served in any authorized premises for which an authority is issued except such beer or wine as the authority may prescribe, bought under control of the Board and in accordance with the regulations.

Authority to specify what may be sold. (2) No beer or wine may be kept for sale, sold or served in any authorized premises other than the beer or wine specified in the authority, and such beer or wine shall be bought by the holder of the authority.

Sale of beer and wine in specified places only.

43. The Board shall in every authority issued specify the rooms or places in the authorized premises to which the sale, serving and consumption of beer or wine shall be restricted and confined.

Wine at meals only. **44**. The Board shall not issue any authority for the sale of wine except in dining rooms in authorized premises.

Minors.

**45.**—(1) No beer or wine shall knowingly be sold or served in or at any authorized premises to any person who is under the age of twenty-one years.

Idem.

(2) No beer or wine shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall

determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.

- (3) No beer or wine shall knowingly be sold or served in Intoxicated or at an authorized premises to any person who is in an intoxicated condition.
- (4) No person holding an authority under this Act shall Conduct of permit or suffer in the premises for which the authority is issued,—
  - (a) any constable or police officer while on duty to consume any liquor, beer or wine:
  - (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
  - (c) any person of notoriously bad character to remain; or
  - (d) any slot machine or any device used for gambling to be placed, kept or maintained.
- (5) No person holding an authority under this Act shall Minors on permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the authorized premises where beer or wine is sold or kept for sale, except in a dining room.
- (6) Any person holding an authority under this Act, if Objection-he has reasonable grounds to suspect from the conduct of any persons. person who has come upon the premises in respect of which such authority is issued, although not of notoriously bad character, that such person is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave such authorized premises immediately, and unless the request is forthwith complied with such person may be forcibly removed.
- **46.**—(1) No person under the age of twenty-one years shall Minors. have, purchase or consume liquor, beer or wine on any authorized premises.
- (2) Any person under the age of twenty-one years who Idem. enters or is found upon that part of an authorized premises where beer or wine is sold or kept for sale, except a dining room, shall be guilty of an offence against this Act.
- 47.—(1) No beer or wine may be sold or served to any Sale and person or consumed by him in any authorized premises, tion. except in accordance with the regulations.
  - (2) Except as authorized by the Board no bar or counter Erection of bars.

over or at which beer or wine could be sold or served shall be erected, placed, kept or maintained in any authorized premises.

Removal of liquor packages.

48. Proof of the removal of any beer or wine from any authorized premises in any packages shall be prima facie evidence against the person holding the authority for such premises of the sale of liquor contrary to the provisions of this Act or The Liquor Control Act.

Rev. Stat., Sales to persons prohibited.

49. No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no interdicted person shall enter on or be permitted or suffered to remain in that part of any authorized premises where beer or wine is sold excepting dining rooms.

Member of the forces.

**50**. For the purposes of this Act, a member of the naval, military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving in any of such forces shall be deemed to be twenty-one years of age or over.

Arrest with-out warrant.

51. Any police officer or constable may arrest without warrant any person whom he finds committing an offence against this Act.

Penalties and Procedure.

Offences.

**52**. Every person who violates any of the provisions of this Act or the regulations made thereunder shall be guilty of an offence against this Act whether otherwise so declared or

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53. In the prosecution of any offence under this Act in which possession of liquor is an element of the offence, upon prima facie proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof.

Penalties.

54.—(1) Every person who violates the provisions of subsection 1 of section 45 shall for the first offence be imprisoned for not less than one month nor more than three months, and for a second or subsequent offence be imprisoned for not less then four months nor more than twelve months.

Idem.

(2) Every person who violates any of the other provisions of this Act or the regulations shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a period not exceeding three months.

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- (3) Where an offender convicted of an offence referred to Corporations in this section is a corporation it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000.
- 55. In any prosecution under this Act, or the regulations, Analysis by production by a police officer, constable or peace officer, of a provincial certificate or report signed or purporting to be signed by a analysts Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making it without any proof of appointment or signature.
- 56. The justice trying a case, shall in the absence of proof Inference as to the contrary, be at liberty to infer that the liquor in ques-ing liquor. tion is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor.
- 57.-(1) The penalties imposed by or under the authority Recovery of this Act shall be recoverable under The Summary Convictions Act and the provisions of the said Act shall apply to prosecutions thereunder, provided that the provisions of The Liquor Control Act relating to appeals shall apply to appeals Rev. Stat.. under this Act.
- (2) All penalties and money imposed under the provisions Fines to be of this Act or the regulations, after deducting all necessary control costs, shall be paid by the justice to The Liquor Control Board Board of Ontario as provided by The Liquor Control Act and the regulations thereunder.
- (3) In every case where an officer appointed under section Payment to treasurer 139 of *The Liquor Control Act* is prosecutor or complainant, of municithe entire penalty in money or such part thereof as is provided by law shall be paid to the treasurer of the municipality appointing such officer.

# Employees of Authority Holders.

- 58.--(1) The Board may require every person who, being Employees an employee of a person to whom an authority is issued under authorized this Act, is in any way engaged in selling or serving beer or wine to obtain an employee's authority from the Board in accordance with the regulations.
- (2) Where, as provided by subsection 1, employees are Sale by unauthorized required by the Board to obtain an employee's authority, employees no person who is not so authorized may be employed in the sale or serving of beer or wine in any authorized premises.

#### Regulations.

Regulations.

- **59.** The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board may deem necessary and, without limiting the generality of the foregoing, such powers shall extend to and include the following,—
  - (a) classifying, governing, regulating, prescribing and defining premises in respect of which authorities may be issued;
  - (b) governing, regulating, defining and designating the portions of premises and the rooms and places therein to which the keeping for sale, selling and consumption of beer and wine shall be restricted and confined;
  - (c) governing the issue, renewal, transfer, refusal, suspension and cancellation of authorities;
  - (d) governing the location, construction, arrangement, accommodation, equipment, maintenance, management and operation of authorized premises;
  - (e) governing the purchase, delivery, keeping for sale, sale, serving and consuming of beer and wine;
  - (f) prescribing the persons to whom the sale of beer or wine is to be restricted or prohibited;
  - (g) prescribing the periods of the year and the days and hours when beer and wine may be sold, served and consumed;
  - (h) prescribing the requirements applicable to the employees of holders of authorities and regulating their duties;
  - (i) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to authorized premises and the examination and audit which shall be made of such books and records;
  - (j) prescribing the fees payable in respect of the issue and transfer of authorities;
  - (k) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board;

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- (l) prescribing the books of account to be kept by the Board:
- (m) prescribing the fees, schedules, or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 38 and 40;
- (n) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service:
- (o) prescribing the signs which may be erected on authorized premises;
- (p) prescribing the hours and days upon which and the manner, methods and means by which beer and wine shall be delivered to authorized premises:
- (q) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding an authority;
- (r) governing the manner of incorporation of corporations which may hold authorities;
- (s) governing the manner of incorporation or organization of clubs which may hold authorities and the operation thereof;
- (t) prescribing the war veterans' organizations and labour organizations which shall be recognized for the purposes of the issue of authorities;
- (u) prescribing the procedure to be followed upon applications to the Board; and
- (v) generally for the better carrying out of the provisions of this Act.

#### Reports.

60.—(1) The Board shall from time to time make reports Reports. to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,—

(a)

- (a) a statement of the operations of the Board;
- (b) a statement of the number of authorities in existence and the names of the owners thereof at such 31st day of March;
- (c) a detailed statement of the number of the authorities which were issued, renewed, transferred, cancelled or suspended and the names of the owners thereof;
- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act: and
- (g) any other information requested by the Minister.

Report to be presented to Legis-lature.

(2) Every annual report shall be laid before the Legislature as soon as may be.

#### Audit

Audit of

61. The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant-Governor in Council may authorize in that behalf.

Existing authorities.

**62**. Every authority renewed by The Liquor Control Board of Ontario as of the 1st day of April, 1944, and in force at the coming into force of this Act shall be subject to the provisions of this Act as if the authority had been issued hereunder and the Board shall review every such renewal and upon such review all the provisions of this Act relating to renewals shall apply.

Commence

63. This Act, except any portion thereof as may be specifically excepted, shall come into force upon a day to be named by the Lieutenant-Governor by his Proclamation and any such excepted portion shall come into force on a day to be named by the Lieutenant-Governor by his further Proclamation.

Short title.

64. This Act may be cited as The Liquor Authority Control Act. 1944.

#### CHAPTER 34.

# An Act to amend The Liquor Control Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Clause a of section 1 of The Liquor Control Act  $^{\rm Rev. Stat.}_{\rm c. 294}$  is repealed and the following substituted therefor:
  - (a) "Authority" shall mean authority issued under the "Authority." provisions of *The Liquor Authority Control Act*, 1944, and "authorized premises" shall mean premises for which an authority is issued.
- (2) Clause b of the said section 1 is amended by striking out  $\underbrace{\text{Rev. Stat.}}_{\substack{\text{c. 294, s. 1,}\\\text{cl. }b,\\\text{amended.}}}_{\substack{\text{c. neg point}\\\text{amended.}}}$
- (3) Clause k of the said section 1 is amended by striking out Rev. Stat., o. 204, s. 1, all the words after the word "beer" in the twelfth line.
- (4) Clause m of the said section 1 of is repealed and the Revy. Stat., following substituted therefor:
  - (m) "Ontario wine" shall mean wine produced from "Ontario grapes or cherries grown in Ontario or the concen-wine." trated juice thereof and shall include Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine.
- (5) Clause o of the said section 1 is repealed and the follow- Rev. Stat. c. 2016. ing substituted therefor:
  - (o) "Permit" shall mean permit for the purchase of "Permit". liquor, beer or wine issued by the Board.
- (6) Clause u of the said section 1 is amended by striking out  $\text{Rev. St.t.}_{0.294, \pm 1.5}$  the words "or light beer" in the fourth and fifth lines.
- 2. Subsection 2 of section 3 of *The Liquor Control Act* is Rev. Stat. amended by striking out the words and figures "sections 157 sins 2, and 158" in the last line and inserting in lieu thereof the word and figures "section 157".

3.

Rev. Stat., c. 294, s. 11, subs. 2, ol.n,

3.—(1) Clause n of subsection 2 of section 11 of The Liquor Control Act is amended by striking out the words "and authorities" in the last line thereof, so that the said clause shall now read as follows:

Duties of officials authorized to issue permits.

(n) prescribing the duties of officials authorized to issue permits under this Act.

Rev. Stat., c. 294, s. 11, subs. 2, cl. s, repealed.

(2) Clause s of subsection 2 of the said section 11 is repealed.

4. Section 18 of The Liquor Control Act is repealed and the Rev. Stat., 6. 294, s. 18, following substituted therefor:

Moneys from liquor sales.

18. All moneys received from the sale of liquor at Government stores and from license and permit fees, or otherwise arising in the administration of this Act shall be paid to the Board.

Rev. Stat., c. 294, s. 25, amended.

5. Section 25 of The Liquor Control Act is amended by striking out the words "or authorities" in the second line, so that the said section shall now read as follows:

Administra-tion of oaths.

25. Every vendor and other official authorized by the Board to issue permits under this Act, may administer any oath and take and receive any evidence or declaration required under this Act or the regulations.

Rev. Stat., c. 294, s. 30, amended.

6. Section 30 of The Liquor Control Act is repealed and the following substituted therefor:

Board not compellable to issue permits, etc.

30. Notwithstanding anything in this Act contained the Board shall not be compellable to issue any permit or license under this Act and may refuse, suspend or cancel any such permit or license in its discretion. and shall not be obliged to give any reason or explanation for such refusal, suspension or cancellation.

Rev. Stat., c. 294, amended.

7. The Liquor Control Act is amended by adding thereto the following section:

Issue of coupon books.

38a. Notwithstanding any of the provisions of this Act the Board may issue "individual beer ration coupon books" and "individual native wine ration coupon books" for the purchase of beer and native wine under this Act and where the expressions "individual permit" and "permit" are used in this Act, they shall be deemed to include an "individual beer ration coupon book" and an "individual native wine ration coupon book" and all the provisions of this Act relating to "individual permits" and "permits" shall extend and apply to "individual beer ration coupon books" and "individual native wine ration coupon books" mutatis mutandis.

- 8. Subsection 1 of section 43 of *The Liquor Control Act* Rev. Stat., as amended by subsection 1 of section 16 of *The Statute Law* wildless, 49, *Amendment Act*, 1940, is repealed and the following sub-re-enacted. stituted therefor:
  - (1) Liquor may be kept, had, given or consumed by Place where any person only in the residence in which he resides, liquor may except as otherwise provided by The LiquorAuthority 1944. c. 33. Control Act, 1944, or this Act or the regulations passed thereunder or hereunder.
- **9.** Section 53 of *The Liquor Control Act* as amended by Rev. Stat., section 13 of *The Statute Law Amendment Act*, 1938, is repealed re-enacted, and the following substituted therefor:
  - 53. Every license issued under this Act, unless sooner Term of cancelled or determined, shall expire at midnight on the 31st day of March next following the issue thereof.
- 10. Subclause iii of clause a of subsection 1 of section 64 Rev. Stat., of *The Liquor Control Act* is amended by adding after the subs. 1, cl. a, word "perfume" the following words "lotion, toilet water, or amended other similar preparation", so that the said subclause shall now read as follows:
  - (iii) a perfume, lotion, toilet water or other similar preparation, or.
- 11. Subsection 1 of section 65 of *The Liquor Control Act* is Rev. Stat.. 0.294, s. 65, subs. 1, re-enacted.
  - (1) Any person who obtains or consumes for beverage Penalty for purposes any of the products mentioned in section 63 products as or 64 or any preparation containing alcohol which beverages. has been denatured in accordance with the provisions of The Excise Act, 1934 (Canada) and the regulations 1934, c. 52, made thereunder, shall be guilty of an offence and (Canada). liable to the penalties prescribed by subsection 3 of section 120 of this Act.
- 12. Subsection 1 of section 68 of *The Liquor Control Act* Rev. Stat., is amended by striking out the words "or light beer" where subs. 1, they occur in the first and tenth lines.
- 13.—(1) Subsection 1 of section 69 of *The Liquor Control* Rev. Stat... Act is amended by striking out the words "and the regulations 3.294, 8.69, in the manner herein provided" in the last line and inserting amended. in lieu thereof the words "or *The Liquor Authority Control Act, 1944*, or the regulations hereunder or thereunder", so that the said subsection shall now read as follows:

Local option by-laws.

(1) Except as provided by this Act and the regulations, no Government store shall be established by the Board for the sale of liquor, and beer and wine shall not be sold in any municipality or portion of a municipality in which at the time of the coming into force of The Ontario Temperance Act a by-law passed under The Liquor License Act or under any other Act, was in force prohibiting the sale of liquor by retail unless and until a vote has been taken to establish Government stores or for the sale of beer and wine under the provisions of this Act or The Liquor Authority Control Act, 1944, or the regulations hereunder or thereunder.

1916. c. 50. R.S.O. 1914, c. 215.

1944, c. 83.

Rev. Stat., c. 294, s. 69, subs. 2, re-enacted, (2) Subsection 2 of 69 of The Liquor Control Act is repealed and the following substituted therefor:

Submission

- (2) The council of any municipality in which such by-law was in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, one of the following questions:
  - (a) Are you in favour of the establishment of Government stores for the sale of liquor under The Liquor Control Act?

or

(b) Are you in favour of the sale of beer and wine under the provisions of The Liquor Authority Control Act, 1944?

and if a petition in writing signed by at least twentyfive per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit either of the said questions, is filed with the clerk of the municipality and with the Board, it shall be the duty of the council to submit such question and no other to a vote of the electors, and if threefifths of the electors voting upon the said question vote in the affirmative thereon, it shall be lawful to establish Government stores in the municipality for the sale of liquor and it shall be lawful for The Liquor Authority Control Board to authorize the sale of beer and wine in such municipality, as the case may be, until another vote is taken as here-

- (i) Not more than one of such questions shall be submitted to the electors of any municipality at one time; and
- (ii) Where petitions are presented praying for the submission of different questions, the question to be submitted shall be that asked for in the first petition filed.
- (3) Subsection 3 of the said section 69 is repealed and the Rev. Stat...

  o 294, 6. 60

  following substituted therefor:
  - (3) Where a Government store or stores has or have submission been established or where the sale of beer and wine of question is authorized in any municipality, the council may, and as provided in subsection 2, and subject to the same sale of beer provisions and on petition as in the case provided for by the said subsection, shall submit to the electors in the same manner, whichever of the following questions may be applicable under the existing circumstances:
    - (a) Are you in favour of the continuance of Government stores for the sale of liquor under The Liquor Control Act?

or

(b) Are you in favour of the continuance of the sale of beer and wine under the provisions of The Liquor Authority Control Act, 1944?

and if three-fifths of the electors voting on the said question vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or the sale of beer and wine upon authorized premises shall be discontinued, as the case may be, according to which of the said questions was submitted.

(4) The question on ballot number 2 in subsection 19 of Rev. State, the said section 69 is amended by striking out the words subs. 19, "The Liquor Control Act" and inserting in lieu thereof the words "The Liquor Authority Control Act, 1944" so that the said question shall now read as follows:

Are you in favour of the sale of beer and wine under the provisions of *The Liquor Authority Control Act, 1944?* 

(5) The question on ballot number 4 in subsection 19 of Rev. Stat., the said section 69 is amended by striking out the words subs. 19, "The Liquor Control Act" and inserting in lieu thereof the

words "The Liquor Authority Control Act, 1944" so that the said question shall now read as follows:

Are you in favour of the continuance of the sale of beer and wine under the provisions of The Liquor Authority Control Act. 1944?

Rev. Stat., c. 294, s. 69, subs. 20, repealed.

- (6) Subsection 20 of the said section 69 is repealed.
- Rev. Stat., c. 294, ss. 70-85, 86a (1942, c. 25, s. 2) titles and headings,
- 14. Sections 70 to 85 of The Liquor Control Act, section 86a of the said Act as enacted by section 2 of The Liquor Control Amendment Act, 1942, and the titles and headings preceding sections 70 and 85 respectively are repealed.

Rev. Stat., c. 294, s. 93, amended.

15. Section 93 of The Liquor Control Act is amended by inserting after the word "Act" in the first line the words "or The Liquor Authority Control Act, 1944, or the regulations hereunder or thereunder", so that the said section shall now read as follows:

Consumption of liquor prohibited.

1944, c. 33.

93. Except as provided by this Act or The Liquor Authority Control Act, 1944, or the regulations hereunder or thereunder, no person within the Province of Ontario shall consume any liquor on any premises where liquor is kept for sale.

Rev. Stat. c. 294, s. 94, amended.

16. Section 94 of The Liquor Control Act is amended by striking out the words "and the regulations" in the first line and inserting in lieu thereof the words "or The Liquor Authority Control Act, 1944, or the regulations hereunder or thereunder", so that the said section shall now read as follows:

1944, c. 33.

94. Except as provided by this Act or The Liquor Authority Control Act, 1944, or the regulations hereunder or thereunder, no person shall consume liquor within Ontario unless the same has been acquired under the authority of a permit or prescription issued under this Act, or is had or kept with the permission of the Board, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act and the regulations.

Rev. Stat. c. 294, s. 96, subs. 1, amended.

17. Subsection 1 of section 96 of The Liquor Control Act is amended by striking out the words "regulations made" in the second line and inserting in lieu thereof the words "The Liquor Authority Control Act, 1944, or the regulations made hereunder or", so that the said subsection shall now read as follows:

- (1) Except as expressly provided by this Act or The Consump-Liquor Authority Control Act, 1944, or the regulations where than made hereunder or thereunder, no person shall consume liquor in any place other than a residence.

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- 18. Subsection 1 of section 98 of *The Liquor Control Act* Rev. Stat., as re-enacted by section 4 of *The Liquor Control Amendment* 8.284, 8.98, *Act*, 1942, is repealed and the following substituted therefor: \$1942, c. 25. re-enacted
  - (1) No person shall knowingly sell or supply liquor to a Minors. person under the age of twenty-one years.
  - (1a) No liquor shall be sold to a person who is apparently Idem. under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years.
- 19. Section 101 of *The Liquor Control Act* is amended by Rev. Stat., striking out the words "procure for or sell" in the fourth line amended. and inserting in lieu thereof the words "knowingly procure for, sell", so that the said section shall now read as follows:
  - 101. Except in the case of liquor supplied to an interdicted Supply of person upon the prescription of a physician, or interdicted administered to him by a physician or dentist pursuant to this Act, no person shall knowingly procure for, sell or give, to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person.
- **20**. Subsection 1 of section 107 of *The Liquor Control Act* Rev., Stat., is amended by striking out the words "and the regulations" subs. 1, in the first and second lines and inserting in lieu thereof the amended. words "or *The Liquor Authority Control Act, 1944*, or the regu-1944, c. 33. lations hereunder or thereunder", so that the said subsection shall now read as follows:
  - (1) Except as provided by this Act, or The Liquor Hotels. Authority Control Act, 1944, or the regulations here-1944, c. 33. under or thereunder and except in the case of liquor kept and consumed pursuant to a special permit granted under the provisions of section 38 of this Act, no person,—
    - (a) shall keep or consume liquor in any part of a hotel other than a private guest room;
    - (b) shall keep or have any liquor in any room in a hotel unless he is a bona fide guest of the hotel and is duly registered in the office of the hotel

as an occupant of that room and has baggage and personal effects belonging to him in the hotel.

21. Section 119 of The Liquor Control Act as amended by section 7 of The Liquor Control Amendment Act, 1942, is further amended by striking out the word "knowingly" in the first line, so that the said section shall now read as follows:

Sale to persons.

119. Every person who violates any provision of subsection 1 of section 98 or section 101 shall for the first offence be imprisoned for not less than one month, nor more than three months, and for a second or subsequent offence, be imprisoned for not less than four months, nor more than twelve months.

Rev. Stat., c. 294, s. 120, subs. 2a, (1942, s. 8),

**22**.—(1) Subsection 2a of section 120 of The Liquor Control Act as enacted by section 8 of The Liquor Control Amendment Act. 1942, is amended by striking out the words and figures "subsection 4 of section 79" in the second line and by inserting after the word "subsection" in the third line the figure, letter and word "1a or", so that the said subsection shall now read as follows:

Penalty.

(2a) Every person who violates any of the provisions of subsection 2 of section 89a or subsection 1a or 2 of section 98 shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence to imprisonment for a period not exceeding three months.

Rev. Stat., c. 294, s. 120, subs. 3, amended.

(2) Subsection 3 of the said section 120 as amended by subsection 2 of section 16 of The Statute Law Amendment Act, 1940, is further amended by striking out the words and figures "108 or subsection 4 of section 125" in the third line and inserting in lieu thereof the word and figures "or 108", so that the said subsection shall now read as follows:

(3) Everyone who violates any of the provisions of sections 35, 36, 57, 59, 60, 61, subsection 2 of section 87 or sections 99, 104, 106, 107 or 108 shall be liable. for a first offence, to a fine of not less than \$100 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of three months and for a second or subsequent offence, to imprisonment for three months.

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- 23. Subsection 4 of section 125 of *The Liquor Control Act* Res. Statt. is repealed and the following substituted therefor:
  - (4) A police officer or constable may without a warrant, Seizure of seize from any person or corporation, any permit, etc., license or authority, issued under this Act or under warrant. The Liquor Authority Control Act, 1944, and the 1944, c. 33. regulations made thereunder.
  - 24. Section 158 of The Liquor Control Act is repealed.

Rev. Stat., c. 294, s. 158, repealed.

- 25. The Liquor Control Act is amended by adding thereto Rev. Stat., c. 294, amended.
  - 162. For the purposes of this Act, a member of the naval, Member of military or air forces of Canada, who having been placed on active service or called out for training, service or, duty, is serving in any of such forces shall be deemed to be twenty-one years of age or over.
  - 163. The Board may remit to any municipality in which to municipality have been issued, such portion of the palities. fees received in respect thereof as may be fixed by the Lieutenant-Governor in Council.
  - 164. The provisions of this Act relating to the sale, Effect of purchase, having, supplying, serving and consuming of beer and wine shall be read and construed subject to the provisions of *The Liquor Authority Control Act.* 1944.
- 26. Wherever in *The Liquor Control Act* or the regulations Rev. Stat., made thereunder,—
  - (a) the expression "native wine" appears it shall be struck "native out and the expression "Ontario wine" inserted in lieu thereof:
  - (b) the expression "manufacture", "manufactured" or "manufacturer" appears in relation to the manufacture of native wine, they shall be struck out and the tured expressions "produce", "produced" and "producer" turer." "manufacturers processions" in lieu thereof.
- 27. This Act, except subsection 4 of section 1 and Commence-section 26, shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.
- 28. This Act may be cited as The Liquor Control Amend-Short title. ment Act, 1944.



#### CHAPTER 35.

## An Act to amend The Medical Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Medical Act is amended by adding thereto the Rev. Stat., following sections:
  - 20a. The Council may make regulations providing for Temporary a system of temporary registration during any period when Canada is at war and for a period of six months thereafter.

#### SPECIALISTS.

- 58a.—(1) The council may make regulations providing specialists. for a system of classification of legally qualified medical practitioners who because of special training or qualifications are specialists in any branch of medicine, surgery or midwifery and may in such regulations.—
  - (a) define the nature of the various classes of specialists;
  - (b) prescribe the qualifications required of specialists in the various classes;
  - (c) provide for the designation of specialists upon application and examination or otherwise and for the suspension or revocation of any such designation;
  - (d) regulate and prohibit the use of terms or designations by medical practitioners indicating specialization in any branch of medicine, surgery or midwifery; and

(e) prescribe the fees payable by persons designated as specialists and provide for the collection thereof.

Certificate of registrar.

(2) A certificate as to the designation or non-designation of any person as a specialist signed or purporting to be signed by the registrar shall be admissible in evidence as prima facie proof of the facts stated therein without proof of the appointment or signature of the registrar.

Short title.

2. This Act may be cited as The Medical Amendment Act, 1944.

### CHAPTER 36.

## An Act to amend The Milk Control Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 2 of *The Milk Control Act* is amended by adding Rev. Stat thereto the following subsection:
  - (2a) Where the board consists of four or more persons Quorumthree members shall constitute a quorum.
- 2. Section 4 of *The Milk Control Act* is amended by adding Rev. Star. 6. 76, 8. 4. thereto the following subsection:
  - (2) Notwithstanding any other provision of this Act Administrathe chairman of the board may perform such of the duties, duties of the board as the Lieutenant-Governor in Council may prescribe.
- 3. Section 14 of *The Milk Control Act* is repealed and the Rev. Stat. c. 76, s. 14, following substituted therefor:
  - 14. When the Minister of Agriculture receives from an Establishassociation of milk producers who are engaged in fund of
    supplying milk to distributors or processors in any associations
    area a petition asking that for the purpose of defraying the expenses of such association every producer
    engaged in supplying milk to distributors or processors in such area be required to pay license fees,
    the Minister subject to the approval of the Lieutenant-Governor in Council may, if he is of the
    opinion that such association is fairly representative
    of the producers so engaged, make an order
    - (a) requiring every producer so engaged to pay to the association license fees in different amounts and fixing the amounts of such fees payable in instalments;
    - (b) requiring every producer and distributor who receives milk from any such producer to

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deduct the amount of the license fees of such producer from moneys payable to the producer and to pay such amount to the association:

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- (c) preventing the association from using any such amount for the retail or wholesale distribution or processing of milk; and
- (d) requiring the association to furnish to the Board such information and financial statements as the Board may determine.

4. This Act may be cited as The Milk Control Amendment Short title. Act. 1944.

### CHAPTER 37.

# An Act to amend The Mining Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 11 of section 78 of *The Mining Act* is repealed Rev. Stat., o. 47, s. 78, subs. 11, 5, re-enacted.
  - (11) The actual cost of a geo-physical survey, of a type Geo-physical approved by the Minister, of a mining claim may survey. be recorded as work on such claim at the rate of one day's work for each \$5 so spent not exceeding a total of one hundred days' work in respect of each claim, but credit for such work shall be cancelled by the recorder unless proof of such actual cost together with plans and a statement of the results of the survey are submitted to and accepted by the Minister or the Deputy Minister within sixty days of the recording of the work.
  - (11a) The actual cost of stripping by power driven Power mechanical equipment or equipment other than stripping. manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$5 so spent not exceeding one hundred days' work in respect of each claim, but credit for such work shall be cancelled unless proof of such actual cost is submitted to and accepted by the Minister or the Deputy Minister within thirty days of the recording of such work.
- 2.—(1) Subsection 1 of section 80 of *The Mining Act* as Rev. Stat., re-enacted by section 10 of *The Mining Amendment Act*, 1939, 9, 47, 8-80, is amended by inserting after the word "performed" in the 1939, 103, third line the words "or the money required for patent or smended. lease is not paid", and by inserting after the word "work" in the fifth line the words "or the payment of such money", so that the said subsection shall now read as follows:

Extension of time.

(1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed or the money required for patent or lease is not paid within the prescribed time, the recorder may extend the time for the performance of such work or the payment of such money for periods not exceeding three months.

Rev. Stat., c. 47, s. 80, subs. 1a (1939, c. 27, s. 10), amended.

(2) Subsection 1a of the said section 80 as enacted by section 10 of *The Mining Amendment Act*, 1939, is amended by inserting after the word "performed" in the first line the words "or payment for patent or lease has not been made", and by adding at the end thereof the words "or paying such money", so that the said subsection shall now read as follows:

Where extension because of (1a) Where such work has not been performed or payment for patent or lease has not been made because of the incapacity from illness of the holder of such claim, the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that such holder has by reason of illness been rendered incapable of performing such work or paying such money.

Rev. Stat., c. 47, s. 86, subs. 1, amended.

3.—(1) Subsection 1 of section 86 of *The Mining Act* is amended by striking out the words "within six months after default, or the Minister at any time after such six months, on report of the Judge" in the second, third and fourth lines, so that the said subsection shall now read as follows:

Relief against forfeiture. (1) Where forfeiture or loss of rights has occurred under section 85, the Judge may, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revest in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 85, the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause *d* of the said subsection the holder shall file a proper report and pay therewith a special fee of \$3.

Rev. Stat., c. 47, s. 86, subs. 3a (1939, c. 27, s. 11), amended.

(2) Subsection 3a of the said section 86 as enacted by section 11 of *The Mining Amendment Act*, 1939, is amended by striking out the words "or Minister" in the first line and the words "or the Judge" in the first and second lines, so that the said subsection shall now read as follows:

- (3a) Where the Judge under subsection 1 or under sub-Extension section 3 extends the time for performing the work, performance the report of the performance thereof shall be made of work, within such extended time.
- **4.** Section 94 of *The Mining Act* is amended by adding Rev. Stat., thereto the following subsection:

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- (2) The Judge or the recorder may exclude from any Exclusion mining claim such portion of the surface rights as of enrace may be necessary for the occupation and utilization rights. of buildings or improvements erected or made thereon prior to the time such mining claim was staked out.
- 5. This Act may be cited as The Mining Amendment Act, Short title 1944.



#### CHAPTER 38.

The Mortgagors' and Purchasers' Relief Act, 1944.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Notwithstanding anything contained in section 36 of The Mortgagors' and Purchasers' Relief Act, 1933, The Mort-1933, c. 35, gagors' and Purchasers' Relief Act, 1934, The Mortgagors' and inforce. Purchasers' Relief Act, 1935, section 3 of The Mortgagors' and 1934, d. 33, Purchasers' Relief Act, 1935, section 3 of The Mortgagors' and 1934, d. 33, Purchasers' Relief Act, 1937, The Mortgagors' and Purchasers' 1937, c. 45, Purchasers' Relief Act, 1937, The Mortgagors' and Purchasers' 1938, c. 29, Relief Act, 1938, section 3 of The Mortgagors' and Purchasers' 1939, c. 29, Relief Act, 1939, The Mortgagors' and Purchasers' Relief Act, 1941, c. 33, 1940, The Mortgagors' and Purchasers' Relief Act, 1941, The 1943, c. 15. Mortgagors' and Purchasers' Relief Act, 1942, or The Mortgagors' and Purchasers' Relief Act, 1943, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1933, shall continue in force and have effect until the 30th day of June. 1945.
- 2. This Act may be cited as The Mortgagors' and Pur-short title. chasers' Relief Act, 1944.



## CHAPTER 39.

# An Act to amend The Municipal Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 18 of *The Municipal Act* is Rev. Sect., amended by striking out the figures "500" in the fifth line subset. 18. and inserting in lieu thereof the figures "1500", so that the amended said subsection shall now read as follows:
  - (1) Subject to subsection 2 of section 13, the Municipal Incorporation Board may, upon the application of not less than 75 towns in male inhabitants of the locality, each of the full age "Incorporate of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 1500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.
- 2. Subsection 1 of section 19 of *The Municipal Act* is Rev. Stat., amended by inserting after the word "erect" in the first line subs. 1. the words "a township having a population of not less than amended 25,000 or", so that the said subsection shall now read as follows:
  - (1) The Municipal Board may erect a township having Erection a population of not less than 25,000 or a town having and towns a population of not less than 15,000 into a city, and a village having a population of not less than 2000 into a town, and declare the name which it is to bear.
- 3. Section 24 of *The Municipal Act* is repealed and the Rev. State 0. 296, s. 24 following substituted therefor:
  - 24.—(1) The Municipal Board may, upon application Formation of not less than seventy-five male inhabitants of the ships in locality, each of the full age of twenty-one years territory. incorporate as a township or union of townships the

inhabitants of a locality situate in unorganized territory and having a population of at least 1000.

Order of Board. (2) The order or orders of the Board shall declare the name which the township shall bear, its boundaries and the date when the incorporation shall take effect, and shall make provision for the election of the members of the first council and such other matters as may be necessary to complete the incorporation and for the carrying on of the locality as a township municipality.

Rev. Stat., c. 266, s. 27, repealed.

4. Section 27 of The Municipal Act is repealed.

Rev. Stat., e. 266, s. 44a (1943, e. 16, s. 1), amended.

**5**. Section 44a of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act*, 1943, is further amended by adding thereto the following subsection:

Local boards, dissolutions.

Rev. Stat.,

(3) Every local board as defined in The Department of Municipal Affairs Act in the locality erected into an improvement district shall be dissolved, the dissolution to take effect on such date as may be declared by the Municipal Board.

Rev. Stat., c. 266, s. 44c, subs. 1, cl. a (1943, c. 16, s. 1), amended. **6.**—(1) Clause a of subsection 1 of section 44c of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act*, 1943, is amended by inserting after the word "Act" where it occurs for the first time in the fourth line the words "The Highway Improvement Act", so that the said clause shall now read as follows:

Rev. Stat., cc. 266; 272; 56. (a) a municipal corporation and council of a township for the purposes and within the meaning of The Municipal Act, The Assessment Act, The Highway Improvement Act and every other general Act relating to municipal institutions.

Rev. Stat., c. 266, s. 44c (1943, c. 16, s. 1), amended.

Where improvement district is situate in a county.

- (2) The said section 44c is further amended by adding thereto the following subsection:
  - (3) Where an improvement district is situate within a county, it shall pay county rates in the same manner as a township municipality and the chairman of the board of trustees shall be a member of the county council in the same manner as the reeve of a township.

Rev. Stat., c. 266, s. 69, subs. 1, amended. **7.** Subsection 1 of section 69 of *The Municipal Act* is amended by striking out the comma following the word "seconder" in the fifth line and by inserting after the word "whom" in the fifth line the words "shall be municipal electors and", so that the said subsection shall now read as follows:

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(1)

- (1) At all nomination meetings, the candidates for each Nomination office shall be proposed and seconded seriatim, and non-and proposed and seconded seriatim, and notice every nomination shall be in writing, shall state the thereto. name, residence and occupation of the candidate, and shall be signed by his proposer and seconder both of whom shall be municipal electors and shall be present, and filed with the returning officer within one hour from the time fixed for holding the meeting.
- 8.—(1) Section 70 of *The Municipal Act* is amended by Rev. Stat., adding thereto the following subsection:

  8.—(1) Section 70 of *The Municipal Act* is amended by Rev. Stat., o. 266, s. 70, amended.
  - (6a) If one or other of such declarations is filed within Effect of the time mentioned in subsection 4 by or on behalf declaration. of a person nominated for more than one office, he shall thereupon be deemed to have resigned from all such nominations other than the one for which he qualified.
- (2) Subsection 9 of the said section 70 is amended by Rev. Stat., striking out the words "within one week after the day of \$0.266, s. 70, nomination" in the second line and inserting in lieu thereof amended. the words "which shall be filed within the time mentioned in subsection 4", so that the said subsection shall now read as follows:
  - (9) Any person elected by acclamation shall make a poelaration declaration of qualification which shall be filed within every person the time mentioned in subsection 4 and in default acclamation, he shall be deemed to have resigned.
- 9. Section 74 of *The Municipal Act* is repealed and the Rev. Stat., following substituted therefor:
  - 74. The council of a city having a population of not less Nomination than 100,000 may by by-law passed not later in the dand polling year than the 15th day of November, provide that 100,000. The meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the 21st day of December, except where that day is a Sunday, and in that case on the preceding Friday or Saturday, and that the polling shall take place on the 1st day of January next thereafter except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.
- 10. Section 75 of *The Municipal Act* is repealed and the Rev. Stat., following substituted therefor:

and polling days in local municipalities,—early December.

75. The council of a local municipality may by by-law passed not later in the year than the 1st day of November, provide that the meeting of electors for nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the Friday or Saturday preceding the last Monday in November, and that the polling shall take place on the first Monday in December or on the Saturday next following such first Monday, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.. 11. Section 76 of *The Municipal Act* is repealed and the c. 266, s. 76, following substituted therefor:

Nomination and polling days in local municipalities, mid-December. 76. The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the first Friday or Saturday in December and that polling shall take place on the 14th day of December or on the Saturday next following, except where the 14th day of December is a Sunday and in that case on the following Monday, and the by-law shall remain in force from year to year until repealed.

Rev. Stat., c. 266, s. 77. following substituted therefor:

Nomination and polling days in local municipalities, late December. 77. The council of a local municipality may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are to be elected, shall be held on the 23rd day of December, except where that day is a Sunday and in that case on the preceding Friday or Saturday, and that the polling shall take place on the 1st day of January next following, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

Rev. Stat., c. 266, 8. 79, thereto the following subsections:

Staggered system.

(2) The by-law passed under subsection 1 may provide that of the members, other than the mayor, reeve and deputy reeve, elected at the first election held

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after the coming into force of the by-law, the onehalf, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and at every election thereafter all the members shall be elected for a two-year term.

- (3) Where a by-law has been or is passed under sub-Local section 1, the council may provide that every elected member of every local board as defined in *The Department of Municipal Affairs Act* shall, notwith-Rev. Stat. standing the provisions of any general or special Act, o. 59. be elected at the same time and hold office for the same term as the members of the council and where the term of office of a member of any such board expires before the next election of members of the council his term of office shall be extended for one year.
- (4) Notwithstanding the provisions of any general or Sabs. 2 to special Act, where the power conferred by subsection mutatis 3 is exercised, the provisions of subsection 2 shall to subs. 3. mutatis mutandis apply.
- 14. Section 231 of *The Municipal Act* is amended by strik-Rev., Stat., ing out the words "of a county and of an urban municipality" amended in the first and second lines, so that the said section shall now read as follows:
  - 231. The head of the council may be paid such annual Remuneraor other remuneration as the council may determine. head.
- 15. Subsections 1 and 2 of section 234 and section 238 of Rev. Stat., The Municipal Act are amended by striking out the word subset. 1.2; "Every" at the commencement of each of the said subsections amended, and the commencement of the said section and inserting in lieu thereof in each instance the article "The".
- **16.** Subsection 1 of section 240 of *The Municipal Act* is Rev. Stat. amended by adding at the end thereof the words "provided subs. 1. that every cheque issued by the treasurer shall be signed by amended. the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized", so that the said subsection shall now read as follows:
  - (1) The treasurer shall receive, and safely keep, all money Treasurer of the corporation, and shall pay out the same to take care such persons and in such manner as the laws of On-disburse money, etc.

tario and the by-laws or resolutions of the council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person designated for the purpose by by-law or resolution of the council and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

17. Subsection 1 of section 248 of The Municipal Act is

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in The Department of Municipal Affairs Act, except separate school boards.

Rev. Stat., c. 59.

Rev. Stat., c. 266, s. 249, 18. Sections 249 and 250, section 250a as enacted by re-enacted, section 6 of The Municipal Amendment Act, 1941, and sections (1941, -35, 251 and 253 of The Municipal Act are repealed and the 3nd 253 of The Municipal Act are repealed and the 3nd 253 following substituted therefor:

Duties of

249. The auditors shall perform such duties as prescribed by the Department.

Rev. Stat., c. 266, s. 254, amended,

19. Section 254 of The Municipal Act is amended by striking out the words "a city or town" in the first line and inserting in lieu thereof the words "any municipality", so that the said section shall now read as follows:

Audit of

254. The council of any municipality may provide that all accounts shall be audited before payment.

Rev. Stat., c. 266, s. 258, subs. 1, amended.

20.—(1) Subsection 1 of section 258 of The Municipal Act. as amended by subsection 2 of section 14 of The Municipal Amendment Act, 1939, is further amended by striking out all the words after the word "statement" in the third line and inserting in lieu thereof the words "signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department", so that the said subsection shall now read as follows:

(1) Except as provided in subsection 5, the council of every town, village and township shall hold a meeting

on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Depart-

(2) Subsection 2 of the said section 258 is repealed.

Rev. Stat., c. 266, s. 258, subs. 2, repealed.

(3) Subsection 5 of the said section 258 as amended by Rev. Stat., c. 266, s. 258, subsection 3 of section 14 of The Municipal Amendment Act, subs. 5. 1939, is further amended by striking out the figures "76" and "77" in the second line and inserting in lieu thereof the figures "75" and "76" respectively and by striking out all the words after the figure "1" in the fifth line, so that the said subsection shall now read as follows:

- (5) The council of every town, village and township in Meeting and which a by-law passed under section 75 or 76 is in of statement. force shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 1.
- Rev. Stat., 21. Section 265a of The Municipal Act, as enacted by  $^{\rm c.\,266}_{\rm 2.265}$ section 7 of The Municipal Amendment Act, 1941, is repealed. (1941, c. 35, s. 7),
- 22. -(1) Subsection 3 of section 305 of The Municipal Act Rev. Stat is repealed.
- (2) Subsection 4 of the said section 305 is repealed and the Rev. State following substituted therefor:
  - (4) The instalments of principal shall be of such amounts Annual that, with the interest in respect of the debt, payable of principal annually or semi-annually, the aggregate amount and interest. payable for principal and interest in each year shall be for an even \$100, \$500 or \$1000 or multiple thereof and the amounts of such instalments may vary from year to year.
- (3) Subsection 5 of the said section 305 is amended by Rev. Stat. striking out the word "equal" in the third line, so that the c. 266, s. 305, said subsection shall now read as follows:
  - (5) Instead of the principal being made payable as above Instalments provided, the by-law may provide that the principal of principal. may be repaid in annual instalments with interest annually or semi-annually upon the balances from

Rev. Stat., c. 266, s. 305, subs. 14,

- (4) Subsection 14 of the said section 305 is repealed.
- Rev. Stat., c. 266, s. 305, section 2 of The Municipal Amendment Act, 1939 (No. 2), and subs. 15, amended. amended by section 10 of The Municipal Amendment Act, 1940, is further amended by striking out the word "may" in the first line and inserting in lieu thereof the word "shall" and by adding thereto the following clause:
  - (f) Where a debenture is redeemed on a date prior to maturity, such redemption shall not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the council to continue to levy and collect such special assessments and instalments thereof.

Commencement of cl. f, subs. 15, s. 305.

(6) Clause f of subsection 15 of section 305 of The Municipal Act as enacted by subsection 5 of this section shall be deemed to have come into force on the 22nd day of September, 1939.

Rev. Stat., c. 266, s. 307, subs. 3, cl. aa (1939, 2nd Sess., c. 6, s. 3), amended.

- 23.—(1) Clause aa of subsection 3 of section 307 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act*, 1939 (No. 2), is amended by inserting after the word "in" in the second line the words "paragraph 41a of section 404 or in", so that the said clause shall now read as follows:
  - (aa) for borrowing money for any of the purposes mentioned in paragraph 41a of section 404 or in section 404a; or
- Rev. Stat., (2) Clause h of subsection 3 of the said section 307 is subs. 3, cl. h, repealed. repealed.
- Rev. Statt. 24. Section 308 of *The Municipal Act* is repealed and the re-enaced. following substituted therefor:

Contracts for supply of public utility.

308.—(1) A municipal corporation with the assent of the electors may enter into a contract for the supply of a public utility as defined in *The Public Utilities Act* to the municipal corporation for its use or for resale or to the inhabitants thereof for their use for any period not exceeding ten years and for renewing such contract from time to time for further periods not exceeding ten years at any one time.

Where particular areas only are benefited.

(2) Where a municipal corporation enters into a contract for the supply of a public utility for its use and such use is confined to a particular area of the municipality, the council may levy a special annual rate on all the rateable property in such area to defray the cost thereof.

- 25. Subsection 2 of section 316 of *The Municipal Act* is Rev. Stat., repealed and the following substituted therefor: subs. 2 re-enacted repealed and the following substituted therefor:
  - (2) In preparing the estimates the council shall make due Allowances allowance for a surplus of any previous year which made in will be available during the current year and shall estimates. provide for any operating deficit of any previous year and for the cost of collection, abatement of and discount on taxes and uncollectible taxes and may provide for taxes which it is estimated will not be collected during the year.
- 26. Subsection 1 of section 316a of The Municipal Act, Rev. Stat., as enacted by section 6 of The Municipal Amendment Act, s. 316a, 1943, is amended by striking out the words "The council of [1943], every municipality" at the commencement and inserting in lieu amended. thereof the words "Every municipality as defined in The Department of Municipal Affairs Act", and by adding at the end thereof the words "provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained", so that the said subsection shall now read as follows:
  - (1) Every municipality as defined in *The Department of* Reserve *Municipal Affairs Act* may in each year for the duration of the present war and with the approval of the Department provide in the estimates for the establishment or maintenance of a reserve fund for use after the war in providing necessary replacements of or improvements in public works, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained.
- 27. The Municipal Act is amended by adding thereto the Rev. Stat., c. 286, amended.
  - 336a. Where a debenture is defaced, lost or destroyed, Replace the council may by by-law provide for the replacing debentures of the same on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.
- 28. Subsection 4 of section 339 of *The Municipal Act* is Rev. Stat., c. 206, s. 339, repealed and the following substituted therefor: substituted therefor: substituted therefor:

Exclusion from estimated revenues.

- (4) For the purposes of subsections 2 and 3, estimated revenues shall not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets.
- Rev. Stat., c. 266, s. 340, 29. Section 340 of The Municipal Act is repealed and the following substituted therefor:

Temporary

340. Where by this or any other Act power is conferred on a corporation to borrow money, it shall include, pending the issue and sale of the debentures, the power to agree with a bank or person for temporary advances from time to time to meet expenditures incurred.

Rev. Stat., c. 266, s. 364, (1938, amended.

30.—(1) Subsection 1 of section 364 of The Municipal Act, as re-enacted by section 4 of The Municipal Amendment Act, 1938 (No. 2), and amended by section 7 of The Municipal Amendment Act, 1943, is further amended by inserting after the word "any" in the second line the words "village or", so that the said subsection shall now read as follows:

of board of commissioners of police.

(1) Notwithstanding the provisions of any special Act, every city shall, and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police.

Rev. Stat., c. 266, s. 364, subs. 6,

(2) Subsection 6 of the said section 364 as re-enacted by section 4 of The Municipal Amendment Act, 1938 (No. 2), is amended by inserting after the article "a" in the first line the word "village", so that the said subsection shall now read as follows:

Repeal of

(6) The by-law of a village, township, county or town passed pursuant to subsection 1 may, with the consent of the Attorney-General thereto, be repealed, and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law.

Rev. Stat., c. 266, s. 370, amended.

31. Section 370 of The Municipal Act, as amended by section 20 of The Municipal Amendment Act, 1939, is further amended by striking out the words "cities, and in townships, counties and towns" in the first and second lines and inserting in lieu thereof the words "a municipality", so that the said section shall now read as follows:

Police force,— where board constituted.

370. The police force in a municipality having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be

- 32. Section 376 of The Municipal Act is amended by Rev. Stat., inserting after the word "village" in the second line the words amended. "not having a board", so that the said section shall now read as follows:
  - 376. The council of every town not having a board shall, Towns and shall, villages, and the council of every village not having a board where no may, appoint one chief constable and one or more
- 33. Subsection 2 of section 378 of The Municipal Act is Rev. Stat., e. 266, s. 378, amended by striking out the words "city or town" in the subs. 2. second line and inserting in lieu thereof the word "municipality", so that the said section shall now read as follows:
  - (2) The provisions of subsection 1 as to suspension shall Exception. not apply to a member of the police force of a municipality which has a board of commissioners of police.
- **34.** Section 382 of *The Municipal Act*, as amended by Rev. Stat., section 6 of *The Municipal Amendment Act*, 1938 (No. 2), re-enceted. is repealed and the following substituted therefor:
  - 382.—(1) Where there is no board of commissioners of Suspension. police, the head of the municipality or a magistrate may suspend any police officer from office for any period and may appoint another person to such office during such period, and if he considers the suspended officer deserving of dismissal, he shall immediately after suspending him so report to the council and the council may dismiss such officer or may direct that he be restored to his office after the period of suspension has expired.
  - (2) Except with the written permission of the head of Where other the municipality or the magistrate who suspended him, an officer, during suspension, shall not act as such or be entitled to any salary or other remuneration.
- 35. The Municipal Act is amended by adding thereto the Rev. Stat. c. 266, amended. following section:
  - 383a.—(1) Notwithstanding the provisions of this or Agreement any other Act and subject to the approval of the Prov. Police to police

Lieutenant-Governor in Council, the council of any municipality may enter into an agreement or agreements with the Commissioner of Police for Ontario for the policing of the municipality by the Ontario Provincial Police Force.

Duties.

(2) Where an agreement has been entered into under subsection 1, the members of the Ontario Provincial Police Force assigned to duty in the municipality shall be charged with the duty of preserving the peace, preventing crimes and other offences, including offences against the by-laws of the municipality and shall perform such other duties, formerly performed by members of the municipal police force, as may be specified in the agreement.

Monies to be paid into Con. Rev. Fund.

(3) The monies received from a municipal corporation pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund.

Where no able.

(4) Where no appropriation is available for paying the expenses of policing a municipality pursuant to an agreement entered into under subsection 1, such expenses shall be paid out of the Consolidated Revenue Fund.

**36.**—(1) Paragraph 7 of section 404 of The Municipal Act

> (a) Before passing a by-law under this paragraph the council may direct that an engineer's report, with or without a survey, be prepared and the cost thereof may be levied against all the rateable property in the municipality or in a defined area thereof which in the opinion of council derives special benefit therefrom.

Rev. Stat., c. 266, s. 404, para. 28, (2) Paragraph 28 of the said section 404 is amended by inserting after the word "hospitals" in the third line the words amended. "or public sanatoria", so that the said paragraph shall now read as follows:

Aiding erection, etc., of hospitals and sanatoria

28. For granting aid to any incorporated society or any association of individuals for the erection, establishment, maintenance or equipment of public hospitals or public sanatoria in any municipality for the treatment of persons suffering from disease or from injuries.

Rev. Stat., c. 266, s. 404, paras. 30, 36, 37, 38 and 39, re-enacted. (3) Paragraphs 30, 36, 37, 38 and 39 of the said section 404 are repealed and the following substituted therefor: 30.

- 30. Subject to the approval of the Department, for War erecting and maintaining or for granting aid for the etc. erection and maintenance of monuments, memorial windows, tablets, buildings or parks, in commemoration of the persons or any class thereof who served in the armed forces of His Majesty or His Majesty's allies during any war.
  - (a) The corporation may borrow money for the purposes of this paragraph by the issue of debentures payable in not more than ten years from the date of issue and may levy a special rate in each year on all the rateable property in the municipality sufficient to pay the instalments of principal and the interest falling due in respect of the debentures.
  - (b) Any such monument may with the approval of the Municipal Board, on application by the corporation, be erected in any highway not less than sixty-six feet in width and over which the corporation has jurisdiction.
  - (c) Any such building may be established and equipped as a home or club-house for such persons or any class thereof or may be used for such purposes as the council may deem proper.
  - (d) The councils of two or more municipalities may enter into an agreement for carrying out any of the purposes of this paragraph in any one of such municipalities.
- 31. Subject to the approval of the Department, for Aid to granting aid to any fund established for the purpose of providing allowances or other assistance to the dependents of persons who died while serving in the armed forces of His Majesty or His Majesty's allies during any war and who immediately before entering such service resided in the municipality for at least six months.
- 32. Subject to the approval of the Department, for Grants to making grants to persons who served in the armed armed forces of His Majesty or His Majesty's allies during any war.
- Subject to the approval of the Department, for Exemption exempting from taxation, except for local improve from taxation.

ment and school purposes, for a period not exceeding ten years, any premises actually used and occupied as a memorial home, club-house or athletic grounds by persons who served in the armed forces of His Majesty or His Majesty's allies in any war.

Rev. Stat., c. 266, s. 404, para. 31, amended.

(4) Paragraph 31 of the said section 404 is renumbered as paragraph 34.

Rev. Stat., c. 266. s. 404, para. 41a (1939, c. 30, s. 23, subs. 2), (5) Paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, other than the clauses, is repealed and the following substituted therefor:

Pensions.
R S.C., c. 7.

41a. For providing, by arrangement either with His Majesty pursuant to the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both His Majesty and an insurer as aforesaid, pensions for employees or any

Rev. Stat., c. 256.

Rev. Stat., c. 266. s. 401, para. 41a, cl. a, subcl. i (1939, c. 30, s. 23, subs. 2), amended. (6) Subclause i of clause a of paragraph 41a of the said section 404 is amended by inserting after the word "mean" in the first line the words "any person designated as an employee by the Department and shall include", and by striking out the word "full-time" in the third line, so that the said subclause shall now read as follows:

class thereof and their wives and children.

"Employee".

(i) "Employee" shall mean any person designated as an employee by the Department and shall include any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board, except school teachers and inspectors to whom The Teachers' and Inspectors' Superannuation Act is applicable, and except employees to whom The Power Commission Insurance Act is applicable.

Rev. Stat., cc. 366, 62.

Rev. Stat., c. 266, 8.404, as a mended by subsection 2 of section 10 of The Municipal c. 30.8, 23. amended. Amendment Act, 1941, is further amended by inserting after the word "be" in the fourth line the words "amended or", so that the said clause shall now read as follows:

Approval by Depart ment. (b) No by-law passed under this paragraph shall become operative until approved by the Department, nor shall any by-law passed under this paragraph and approved by the Department be amended or repealed without the approval of the Department.

Rev. Stat., c. 266, s. 404, para. 41a, cl. c (1939, c. 30, s. 23, subs. 2), amended.

(8) Clause c of paragraph 41a of the said section 404 is amended by inserting after the word "contributions" in the

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first

first line the words "other than the initial payments or contributions", so that the said clause shall now read as follows:

- (c) Payments or contributions, other than the initial Contribupayments or contributions, made by a municipality deemed under this paragraph shall be deemed to be current exexpenditures.
- (9) Subsections 4 to 7 of this section and subsection 2 of Commence section 10 of *The Municipal Amendment Act*, 1941, shall be subset 4 to deemed to have come into force on the 26th day of June, 1939.
- (10) Paragraph 46 of the said section 404 is amended by Rev. Stat., 0.286, 3.404, adding thereto the following clauses:
  - (b) Where land is acquired under this paragraph, the cost of acquisition and maintenance thereof or any part thereof may be levied against a defined area in the municipality which in the opinion of the council derives special benefit therefrom.
  - (c) Where land is acquired under this paragraph for park purposes and there is no board of park management the council may appoint three resident ratepayers who need not be members of the council as a committee to regulate and supervise the use of the park.
- (11) The said section 404 is further amended by adding Rev. Stat., thereto the following paragraph:
  - 46a. For acquiring, establishing, laying out and im-Munteipal proving land where vehicles may be parked and for loss, regulating, supervising and governing the parking of vehicles thereon provided a fee is charged and collected Proviso, for such parking.
- **37.**—(1) Clause b of section 404a of The Municipal Act, Rev. Stat., as enacted by section 6 of The Municipal Amendment Act, § 200, 1939, (No. 2), is repealed and the following substituted (1930), therefor:
  - (b) by all municipalities as defined in The Department crea emory Municipal Affairs Act for providing for the payment services, ment of bonuses to and the superannuation, pension or benefit fund contributions of members of the forces or the Corps of (Civilian) Canadian Fire Rev. Stat., Fighters for Service in the United Kingdom, who at the time of joining such forces or Corps were employees of the corporation or a local board as defined in The Department of Municipal Affairs Act,

provided that, notwithstanding anything in this or any other general or special Act, no payments shall be made to such members except under this section.

- (i) in this clause "members of the forces" shall mean.-
  - (a) persons who, having voluntarily offered themselves for appointment to or enlistment in any of His Majesty's naval, military or air forces, have been appointed to or enlisted in such forces and have been placed on active service therein:

1940, c. 13, (Canada).

- (b) persons who, having been called up pursuant to The National Resources Mobiliza-
- tion Act, 1940, (Canada) and the regulations thereunder, for training, service or duty in any of His Majesty's naval. military or air forces raised in Canada. have volunteered to serve on active service therein and have in consequence thereof been placed on active service; and
- (c) persons mentioned in subclause a or b who having been discharged from the forces, are receiving treatment under the Department of Pensions and National Health (Canada) or are in receipt of assistance or benefit under any rehabilitation organization, agency or scheme designated by the Lieutenant-Governor in Council.

Commence-

(2) Subsection 1 shall be deemed to have come into force on the 22nd day of September, 1939.

subcl. iv c. 16, s. 9, subs. 2), repealed.

(3) Subclause iv of clause c of section 404a of The Municipal Rev. Stat., (3) Subclause iv of clause c of section 404a of The Municipal c. 266, c. d-4c, as amended by subsection 2 of section 9 of The Municipal Amendment Act, 1943, is repealed.

Rev. Stat., c. 266, s. 405, para. 53,

38.—(1) Paragraph 53 of section 405 of The Municipal Act, as amended by subsection 2 of section 10 of The Municipal Amendment Act, 1943, is further amended by striking out all the words after the word "paid" in the fifth line, so that the said paragraph, exclusive of the clauses, shall now read as follows:

Sewer

53. For charging all persons who own or occupy land drained, or which by by-law of the council is required

1944.

to be drained, into a common sewer, a reasonable rent for the use of it and for the collection, treatment and disposal of sewage and other wastes; for regulating the time and manner in which the rent is to be paid.

- (2) Clause a of paragraph 5.3 of the said section 405 is Rev. Stat... c. 266, s. 405, repealed and the following substituted therefor:
  - (a) No person shall pay rent under this paragraph in respect of land on which local improvement rates for the sewer have been or are being levied.
- (3) The said section 405 is further amended by adding Rev. Stat., thereto the following paragraphs:
  - 68. Subject to the provisions of The Municipal Franchises Bus Act, for entering into an agreement with any person franchises for a period not exceeding ten years for granting to Rev. Stat. such person the exclusive right to maintain and operate busses for the conveyance of passengers in a defined area of the municipality, over such highways in the area and at such rates for fares and charges and on such other terms and conditions as may be thought proper.
    - (a) The agreement shall provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.
    - (b) The defined area shall not include any part of the municipality covered by an agreement to which the corporation is a party respecting the furnishing of transportation facilities for passengers.
    - (c) The agreement shall not affect a permit granted Roy. Stat., under The Public Vehicle Act.
    - (d) The rates for fares and charges may from time to time, but only once in any year, be increased or decreased by the Municipal Board on the application of the corporation in consequence of a deficit or surplus in the operation of the service.
  - 69. For giving from the 1st day of April to the 31st day Fox of October bounties for the destruction of foxes.

Right to adjoining

- 70. For permitting an owner or occupant of any building or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building but only to the extent necessary to effect such repairs, alterations or improvements, and every such by-law shall provide that the adjoining land shall be left in the same condition it was in prior to such entry.
- Rev. Stat.. c. 266, s. 407, amended. 39. Section 407 of *The Municip* thereto the following paragraph: **39**. Section 407 of *The Municipal Act* is amended by adding

Window

52. For requiring the installation and maintenance of safety devices for window cleaners, for inspecting such devices and for prohibiting any person from cleaning the outside of windows of buildings on which such devices are installed unless such devices are used.

Rev. Stat. 6. 266. a. 414. 40. Clause a of paragraph 4 of section 414 of The Municipal para 4. cl. a. Act is amended by striking out the words "a 'standard hotel' amended. **40**. Clause a of paragraph 4 of section 414 of The Municipal within the meaning of The Liquor Control Act" at the end thereof and inserting in lieu thereof the words "an hotel within the meaning of The Hotel Registration of Guests Act. 1944", so that the said clause shall now read as follows:

"lodging house".

(a) For the purpose of this subsection a "lodging-house" shall mean any house or building or portion thereof in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, but shall not include an hotel within the meaning of The Hotel Registration of Guests Act. 1944.

Rev. Stat ..

**41**. The Municipal Act is amended by adding thereto the following section:

Power to

- 422a. By-laws may be passed by the councils of cities having a population of not less than 300,000:
  - 1. For providing and paying on behalf of any indigent inhabitant the cost not exceeding \$200 of repairs necessary to make a dwelling habitable.

Rev. Stat., c. 266, s. 424, repealed.

- 42. Section 424 of The Municipal Act is repealed.
- 43. Section 430 of The Municipal Act is amended by striking c. 266, s. 430, out the word "junk" wherever it occurs in the said section

18 and and inserting in lieu thereof in each instance the word "salvage".

- **44.** Section 439 of *The Municipal Act* is amended by adding Rev. Stat., 6, 266, set 439, amended.
  - 3a. For licensing, regulating and governing drain con-Drain tractors and drain layers.
- **45**. Subsection 2 of section 444 of *The Municipal Act* is Rev. Stat., amended by striking out the words "an urban" in the second state. He amended and inserting in lieu thereof the article "the", so that the amended said subsection shall now read as follows:
  - (2) Where under the provisions of section 231 the head Where head of the municipality is paid an annual or other salary. remuneration, such head shall not be entitled to payment under this section for attendance at meetings.
- **46.** Section 445 of *The Municipal Act* is repealed and the Rev. Stat., following substituted therefor:
  - 445.—(1) The council of a municipality may pass by Annual relaws for paying an annual allowance to the members of the council at the following rates in the case of
    - (a) a city having a population of not less than 200,000, an annual allowance not exceeding \$1200 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health:
    - (b) a city having a population of not less than 100,000, an annual allowance not exceeding \$500 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the court of revision and the local board of health:
    - (c) any other municipality, such annual allowance as may be approved by the Department.
  - (2) Every by-law passed under subsection 1 shall provide Dadaction for the deduction from the annual allowance of asences. reasonable sum to be fixed by the council for each day's absence from meetings.
- 47. Section 446 of *The Municipal Act* is repealed and the Rev. Stat., 6, 266, 8, 446, following substituted therefor:

446.

Annual allowances for local board. Rev. Stat., c. 59. 446. A local board as defined in *The Department of Municipal Affairs Act*, except school and library boards, may provide for the payment of such annual allowance for the members thereof as may be approved by the Department.

Rev. Stat., c. 266, s. 525, amended.

**48**. Section 525 of *The Municipal Act* is amended by inserting after the word "of" in the last line the words "a ratepayer or", so that the said section shall now read as follows:

Power to restrain by action. 525. Where a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation.

Rev. Stat., c. 266, s. 560, amended.

**49**. Section 560 of *The Municipal Act* is amended by striking out the words "Municipal Board" in the second line and inserting in lieu thereof the word "Department".

Commencement of Act.

**50**. This Act, except section 35, shall come into force on the day upon which it receives the Royal Assent.

Short title.

51. This Act may be cited as The Municipal Amendment Act, 1944.

#### CHAPTER 40.

An Act to amend The Municipal Drainage Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 5 of *The Municipal Drainage* Rev. Stat.. Act is repealed and the following substituted therefor:

  Section 3. Stat.. Act is repealed.
  - (2) Where a lot or a portion of a lot or subdivision Apportion-assessed by the engineer or surveyor has been sold ment. since the final revision of the assessment, the owner of the portion so sold or the owner of the remaining portion may give notice to the clerk of the municipality that he requires such assessment to be apportioned between the present owners thereof and the engineer or surveyor shall in making such apportionment have regard to the lot or part of the lot or subdivision affected and shall make such apportionment in writing and the same shall be filed with the clerk and attached by him to the original assessment and such apportionment shall be binding on the lands assessed and the rate shall thereafter be levied and collected accordingly.
- (2) The said section 5 is further amended by adding Rev. Stat., thereto the following subsection:
  - (4) Where an owner of lands adjoining a drainage work subsequently connects the lands with the work for with drainage the purpose of drainage, the engineer or surveyor shall assess the owner for a just proportion of the work regard being had to any compensation paid such owner in respect of the work and thereupon every owner assessed for the work shall be given a proportionate reduction in the charges assessed against his land.
- 2. Section 24 of *The Municipal Drainage Act* is repealed Rev. Sta. 24, and the following substituted therefor:

Service by registered mail in lieu of publication. Chap. 40.

24. The council may at its option, instead of proceeding under section 23, by resolution direct that a copy of the by-law, the notice of the sitting of the court of revision and notice as to proceedings to quash be sent by registered mail to the last known address of each of the assessed owners or their lessees or the occupants of their lands or the agents of such owners, and a statutory declaration shall be made by the person effecting such service showing the date and manner thereof and the declarant shall file the declaration with the clerk of the municipality.

Rev. Stat., c. 278, s. 86, subs. 1, amended.

**3.** Subsection 1 of section 86 of *The Municipal Drainage Act* is amended by inserting after the word "work" in the eighth line the words "and for keeping the embankment thereof in repair", so that the said subsection shall now read as follows:

Appointment of commissioners to operate works. (1) For the better maintenance of drainage work by embanking, pumping or other mechanical operations, the council of the municipality initiating the work may pass by-laws appointing a commissioner or commissioners who shall have power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating such drainage work and for keeping the embankment thereof in repair, as may be set forth in the by-law appointing them, and the council may pass by-laws for defraying the annual cost of maintaining and operating the work by assessment upon the lands and roads in any way liable to assessment under the provisions of this Act.

Short title.

4. This Act may be cited as The Municipal Drainage Amendment Act, 1944.

#### CHAPTER 41.

## An Act to enable Municipalities to establish Health Services.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,-

Interpreta-

- (a) "Board" shall mean the Ontario Municipal Health "Board": Services Board established under this Act;
- (b) "Minister" shall mean the Minister of Health; "Min
- (c) "municipality" shall mean local municipality as "munici-defined in The Municipal Act and shall include an pality"; improvement district, and a school section in an unorganized township or unsurveyed territory; and
- (d) "municipal health services" shall have the meaning "municipal health prescribed in the regulations.

  "municipal health services."
- 2.—(1) The council of a municipality or the councils of Plan of two or more municipalities which have entered into an agree-services. ment therefor may by by-law provide for the establishment of a plan of municipal health services for such municipality or municipalities.
- (2) No agreement shall be entered into and no by-law shall Approval of be introduced under this section until the plan provided for Governor therein has been approved by the Lieutenant-Governor in in Council.
- 3.—(1) No by-law made and approved under section 2 vote on shall come into force or have effect until the proposed plan by-law—has been submitted, either at the next municipal election or at such time as the council or councils may decide, to a vote as provided in this section.

8 Geo. VI.

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property

(2) Where the entire cost of the proposed plan, except any portion which is to be paid by provincial contribution, is to be borne by a special rate imposed on the rateable property in the municipality, the proposed plan shall be submitted to a vote of the persons entitled to vote on money by-laws and unless a majority of the persons voting are in favour of the proposed plan, the plan shall not be established.

personal tax.

(3) Where the entire cost of the proposed plan, except any portion which is to be paid by provincial contribution, is to be borne by a personal tax on the residents of the municipality, the proposed plan shall be submitted to a vote of the municipal electors and unless a majority of the persons voting are in favour of the proposed plan, the plan shall not be established.

where both taxes.

(4) Where part of the cost of the proposed plan is to be borne by a special rate imposed on the rateable property in the municipality, and the balance of the cost, except any portion which is to be borne by provincial contribution, is to be borne by a personal tax on the residents of the municipality, the proposed plan shall be submitted to a vote of the municipal electors and to a further vote of persons entitled to vote on money by-laws and unless a majority of the municipal electors so voting and a majority of the persons entitled to vote on money by-laws so voting are in favour of the proposed plan, the plan shall not be established.

Board

4.—(1) There shall be a board known as the Ontario Municipal Health Services Board which shall be a body corporate and shall consist of not less than seven and not more than ten members who shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure.

Chairman.

(2) The Board shall appoint one of its members to be chairman.

Powers and duties.

- (3) The powers and duties of the Board shall be defined in the regulations and, subject to the approval of the Lieutenant-Governor in Council, the board may,-
  - (a) enter into an agreement with any municipality which has enacted a by-law under section 2; and
  - (b) enter into an agreement with any person or with any medical, hospital or other association, corporate or otherwise, for the provision of municipal health services for any municipality which has entered into an agreement with the board.

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- (4) The Board may receive from any municipality which and dishas enacted a by-law under section 2 all monies collected by bursement the municipality for the purpose of providing municipal health services and may disburse such monies for the purpose of securing the provision of municipal health services and any expenses incidental thereto.
- 5. The council of any municipality which has enacted a Municipal by-law under section 2 may appoint a committee of its mem-committee. bers, or of other persons, which shall consist of not less than three and not more than five members, and the committee shall assist and advise the council in respect of any matter arising under this Act.
- 6.—(1) For the purposes of carrying out the provisions of Personal any by-law under this Act the council of any municipality may levy and collect a personal tax in respect of every male and female resident in the municipality who is seventeen vears of age or over.
- (2) The parent of a dependent child who is seventeen years Liability of of age or over and less than twenty-one years of age shall be husband. liable for the payment of the tax in respect of such child and a husband shall be liable for the payment of the tax in respect of his wife.
- (3) Every person liable to pay a personal tax shall pay such Time for tax to the treasurer of the municipality within one week of the date upon which such tax becomes due and payable under the provisions of the by-law providing therefor, and in case of neglect or refusal to make such payment the collector may levy the amount of such tax and costs of distress, by distress and sale of the goods and chattels of such person.
- (4) The assessor of the municipality may require any Returns employer, whether the business of such employer is situate employers. within or outside the municipality, to furnish him with a list of those of his employees who are resident within the municipality, and of the dates upon which they are paid their salary or wages, and every such employer shall advise the assessor of any changes therein which may occur.
- (5) The treasurer of the municipality may require any Deduction employer, whether the business of such employer is situate within or outside the municipality, to deduct from the salary or wages of all employees residing within the municipality the amounts which are payable to the municipality under this section and to pay such amounts to the municipality, and in the event that the employer fails or neglects to comply with such requirement he shall be personally liable for the amounts so pavable.

Property

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letters "P.T."

**7.** For the purpose of carrying out the provisions of any by-law under this Act the council of a municipality may levy and collect a special rate upon all the rateable property within the municipality and all the provisions of *The Assessment Act* applicable to the levying and collecting of local rates shall apply to the special rate levied under this Act.

Rev. Stat., c. 272.

Assessment

rolls.

**8.**—(1) In a municipality in which a plan has been adopted, the assessor shall include in the assessment roll the name of every person who is a resident of the municipality within the meaning of the regulations and where part of the cost of such plan is to be borne by a personal tax the assessor shall enter after the name of every person who is liable to such tax the

Idem.

(2) Where the council of a municipality passes a resolution favouring the establishment of a plan of municipal health services, the council may direct the assessor to comply with the requirements of subsection 1 in the preparation of the next assessment roll.

Amount of taxes payable to Board.

**9**. A municipality shall pay to the Board an amount equal to the total levy made under section 6 or 7, or both, at such times as may be required by the regulations.

No liability to county. 10. A municipality which has established a plan of municipal health services, which includes hospital care, under this Act shall not be required to contribute to any levy made by a county for the costs of providing hospital care for indigent persons who are residents of the county.

Unorganized territory. 11. The Lieutenant-Governor in Council may make provision for furnishing municipal health services to the residents of any area which is without municipal organization and does not form part of a school section.

Contributions by province.

12. The Lieutenant-Governor in Council may provide for the making of annual or other contributions to any municipality which has passed a by-law under this Act.

Consolidate Revenue Fund. 13. Expenses incurred under section 11 and contributions made under section 12 shall be paid out of the Consolidated Revenue Fund.

Further vote on plan.

14. At the first municipal election held after the termination of a period of three years from the date of the commencement of a plan for municipal health services, such plan shall again be submitted to a vote as in section 3 provided and shall not continue in force unless a majority of the persons voting as prescribed in section 3 are in favour thereof.

- **15**.—(1) A plan for municipal health services established Alteration under this Act shall not be altered or terminated except with of plan. the like approval as required by section 2.
- (2) A by-law made under this Act shall be amended or Amendment repealed only with the like vote as is required for a by-law made under section 3.
- (3) The Lieutenant-Governor in Council may terminate Termination any plan for municipal health services and thereupon every of plan. by-law and agreement relating thereto shall be deemed to be revoked and terminated.
- 16. Where a scheme is terminated the Lieutenant-Governor Termination in Council may provide for the disposition and application of of planmary monies collected under the provisions of this Act which on hand, are not required for the purpose of the plan.
- 17. Subject to the approval of the Lieutenant-Governor Regulations. in Council, the Minister may make regulations which may be general or particular in their application,—
  - (a) respecting the establishment of municipal health services;
  - (b) defining "municipal health services" and prescribing the type of service and the maximum services which may be provided under any plan;
  - (c) defining the powers and duties of the board and providing for the employment of assistants and the payment of the expenses of the board out of such monies as may come into its hands;
  - (d) governing the amount and conditions of payment of provincial contributions;
  - (e) defining the term "resident";
  - (f) prescribing the periods within which a resident shall be liable for the payment of the rates and taxes imposed under this Act and the periods during which a resident shall be entitled to municipal health services in the municipality;

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- (g) prescribing the dates upon which any rates or taxes levied in the municipality shall become due and payable and the manner in which they shall be paid:
- (h) providing for the exemption from taxation of any class of persons who are dependent in whole or in part upon contributions from public funds for their maintenance:
- (i) providing for the cancellation or reduction of the taxes of any person who from sickness or extreme poverty is unable to pay such taxes;
- (i) providing for the exemption from any tax imposed by this Act, or any portion thereof, of any class or group of persons who contribute to a plan for the provision of medical services or health services;
- (k) providing for the exemption of duly accredited members and adherents of any religious denomination designated by the regulations from any tax imposed under section 6 and from any tax imposed under section 7 in respect of such portion of any premises as may be owned and occupied as a residence by any such member or adherent, upon such terms and conditions as may be prescribed:
- (1) providing for the cancellation or reduction of the taxes of any person who by reason of any gross or manifest error has been charged or overcharged;
- (m) providing for the appointment of inspectors and prescribing their powers and duties;
- (n) requiring the Board to report to the Minister;
- (o) prescribing the forms; and
- (p) generally for the administration of this Act and the regulations.

Short title. 18. This Act may be cited as The Municipal Health Services Act. 1944.

## CHAPTER 42.

# An Act to amend The Nurses' Registration Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

- 1. Section 3 of The Nurses' Registration Act is repealed Rev. Stat., and the following substituted therefor:
  - The Lieutenant-Governor in Council may appoint a Director
     Director of Nurses Registration and such other Nurses
     officers, advisers and clerks as may be deemed necessary for the administration of this Act.
  - 4. The Lieutenant-Governor in Council may make Regulations. regulations,
    - (a) regulating the establishment, maintenance and conduct of training schools for nurses;
    - (b) providing for the holding of examinations for nurses who are in attendance at or graduates of training schools;
    - (c) governing the registration of graduates of training schools located within and without Ontario and prescribing registration fees and providing for the issue, suspension and cancellation of certificates of registration;
    - (d) prescribing the powers and duties of the Director of Nurses Registration and of the other officers, advisers and clerks appointed under this Act;
    - (e) providing for the establishment of a council to be known as the Council of Nurse Education, and prescribing the powers and duties of the council;

- (f) providing for and regulating the establishment, maintenance and conduct of post-graduate courses of instruction for registered nurses; and
- (g) generally for the better carrying out of the provisions of this Act

Short title. 2. This Act may be cited as The Nurses' Registration Amendment Act, 1944.

## CHAPTER 43.

An Act to amend The Old Age Pensions Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

- **1.**—(1) Section 2 and 3 of *The Old Age Pensions Act* are Rev. Stat., amended by striking out the words "relating to old age pen-ss. 2.3 sions" where they occur in the fifth line of section 2 and in amended, the fourth and fifth lines of section 3, so that the said sections shall now read as follows:
  - 2. The Lieutenant-Governor in Council may enter into Agreement an agreement with the Governor-General in the province of the Louisian state of the Dominion of the Province pursuant to the provisions of any Act of the Dominion heretofore or hereafter passed, and the regulations made thereunder, and for the payment by the Dominion to the Province quarterly of an amount equal to one-half or more of the net sum paid out during the preceding quarter by the Province for old age pensions pursuant to the provisions of this Act.
  - 3. The Lieutenant-Governor in Council may by Order-Payment of in-Council authorize and provide for the payment of old age pensions to the persons and under the conditions specified in any Act of the Dominion heretofore or hereafter passed, and the regulations made thereunder.
- (2) This section shall be deemed to have been in force and Commencement of have had effect on and after the 1st day of November, 1943, section.
- 2.—(1) The Old Age Pensions Act is amended by adding Rev. Stat. thereto the following section:
  - 3a. The Lieutenant-Governor in Council may provide for the payment of,—

212 Cost of

(a) a cost of living or other bonus to persons in receipt of pensions under this Act, or any class or group thereof; and

services.

(b) the whole or part of the cost of providing medical services to persons in receipt of pensions under this Act, or any class or group thereof.

Commence-

(2) This section shall be deemed to have been in force and to have had effect on and after the 1st day of April, 1942.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 4. This Act may be cited as The Old Age Pensions Amendment Act, 1944.

## CHAPTER 44.

# An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

- 1. The Lieutenant-Governor in Council is hereby authorized Loun of to raise from time to time by way of loan such sum or sums authorized of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Twenty Million Dollars (\$20,000,000).
- 2. The aforesaid sum of money may be borrowed for any Terms to be term or terms not exceeding forty years, at such rate as may Lieutenant-be fixed by the Lieutenant-Governor in Council and shall in Council. be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
- **3.** The Lieutenant-Governor in Council may provide for a Sinking special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of *The Provincial Loans Act.*Rev. Stat.. c. 22.
- **4**. This Act shall come into force on the day upon which it Commence receives the Royal Assent.
  - 5. This Act may be cited as The Ontario Loan Act, 1944. Short title.



#### CHAPTER 45.

# An Act to amend The Optometry Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 2 of *The Optometry Act* is Rev. Stat., amended by striking out the word "three" in the second line subs. 1, and inserting in lieu thereof the word "five", so that the said amended. subsection shall now read as follows:
  - (1) There shall be a board known as the Board of Examiners in Optometry which shall be composed of motion five persons who shall be appointed by and hold office metry. during the pleasure of the Lieutenant-Governor in Council.
- (2) Subsection 2 of the said section 2 is amended by striking Rev. Stat. out the words "and may also appoint a secretary of the Board" and may also appoint a secretary of the Board subset of the second and third lines, so that the said subsection shall amended now read as follows:
  - (2) The Lieutenant-Governor in Council may appoint Chairman. one of the members to be chairman of the Board.
- (3) The said section 2 is further amended by adding thereto Rev. Stat., c. 246, s. 2, the following subsection:
  - (3) The Board may appoint a secretary and fix his Secretary. remuneration which shall be payable out of the funds of the Board.
- 2. Subsection 1 of section 3 of *The Optometry Act* is amended Rev. 88.5, by adding thereto the following clauses:
  - (ff) defining disgraceful conduct for the purposes of this Act;
  - (fff) regulating the advertising of spectacles and eyeglasses, the advertising of the prices thereof, and the advertising of the terms upon which they may be purchased; and.

3.

8 Geo. VI.

Rev. Stat., 3. Section 7 of The Optometry Act is repealed and the c. 246, s. 7, re-enacted. following substituted therefor:

Suspension of certificate.

Chap. 45.

7.—(1) The Board may by order suspend or revoke the certificate of registration or exemption of any person whom it finds has been guilty of disgraceful conduct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with the practice of optometry or as an optician by such person.

(2) Before making a finding of disgraceful conduct, incompetency, fraud or misrepresentation in respect of any person under subsection 1, the Board shall, by notice in writing, advise such person of the complaint or charge which has been made against him and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review.

(3) The Board may review any finding or order made by it and make such further finding or order as it deems proper.

Power to summon witnesses. Rev. Stat., c. 19. (4) For the purposes of this section the chairman or acting chairman of the Board shall have all the powers that may be conferred upon a commissioner appointed under The Public Inquiries Act.

Appeal.

(5) An appeal shall lie from any order or finding of the Board to a judge of the Supreme Court by way of originating notice and such appeal shall be upon the evidence and representations presented and made to the Board and the judge may give such directions as he deems expedient and may make such finding and order as he deems proper and his decision shall be final.

Rev. Stat., c. 246, s. 10, subs. 3, amended.

4. Subsection 3 of section 10 of The Optometry Act is amended by striking out the word "or" at the end of clause e and by striking out clause f.

Short title.

5. This Act may be cited as The Optometry Amendment Act. 1944.

## CHAPTER 46.

# An Act to amend The Power Commission Act.

Assented to March 14th, 1944, except section 3. Section 3 assented to April 6th, 1944. Session Prorogued April 6th, 1944.

- 1. Section 1 of *The Power Commission Act* is amended by Rev. Stat., adding thereto the following clause:
  - (aa) "Advisory Council" shall mean The Ontario Hydro- "Advisory Council". Electric Advisory Council.
- 2. The Power Commission Act is amended by adding thereto Rev. States, 62, the following section:
  - 6a.—(1) There shall be an advisory council to be known Advisory as The Ontario Hydro-Electric Advisory Council Council which shall consist of five members appointed by the Lieutenant-Governor in Council each of whom shall hold office for two years from the date of his appointment or such other period as the Lieutenant-Governor in Council may prescribe and every such member shall be eligible for re-appointment.
  - (2) The members of the Advisory Council shall elect Presiding from amongst themselves a presiding officer whose officer, term of office shall be one year, and who shall be eligible for re-election.
  - (3) The Advisory Council shall meet on the call of its Meetings. presiding officer on three days' written notice, and also whenever requested to do so by the Commission on similar notice.
  - (4) The Advisory Council shall make a report for the Reports. consideration and assistance of the Commission upon every matter submitted to the Advisory Council by the Commission and upon any matter relative to the purposes of the Commission upon which the members of the Advisory Council deem it advisable to report.

Remunera-

(5) The members of the Advisory Council shall be paid such per diem allowance and travelling expenses as the Lieutenant-Governor in Council shall from time to time decide.

Assistance.

(6) The Commission may provide the Advisory Council with such professional, technical, secretarial and other assistance as the Commission may see fit, and the cost thereof shall be deemed to be part of the administration expenses of the Commission.

Unqualifie persons.

(7) No senator or member of the House of Commons of the Parliament of Canada, and no member of the Legislative Assembly of Ontario, and no person not entitled to vote at the election of members of the Legislative Assembly of Ontario shall be eligible to be a member of the Advisory Council.

Termination of appoint(8) The Lieutenant-Governor in Council may terminate the appointment of any member who in his opinion is incapable of performing his duties.

Council may act notwithstanding vacancy. (9) The Advisory Council may act notwithstanding any vacancy in its membership and three members shall constitute a quorum at any meeting.

Rev. Stat., c. 62, s. 21, subs. 5, amended.

**3.** Subsection 5 of section 21 of *The Power Commission Act* is amended by striking out the word "authorize" in the second line and inserting in lieu thereof the word "authorized", so that the said subsection shall now read as follows:

Procedure.

Rev. Stat., c. 54. (5) Except as otherwise provided in this Act the Commission shall, in the exercise of its compulsory powers authorized by this section and section 28, proceed in the manner provided by The Public Works Act, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall mulatis mulandis apply.

Rev. Stat., c. 62, s. 33a, (1939, c. 35, s. 2) re-

**4.** Section 33a of The Power Commission Act as enacted by section 2 of The Power Commission Amendment Act, 1939, is repealed and the following substituted therefor:

Ownership of works retained. 33a.—(1) Notwithstanding anything in this Act or any other general or special Act, where works of the Commission have been affixed to realty they shall remain subject to the rights of the Commission as fully as they were before being so affixed and shall not become part of the realty unless otherwise agreed by the Commission in writing.

- (2) Any person who without the consent of the Com-Affixing mission nails or otherwise attaches anything, or property causes anything to be nailed or otherwise attached prohibited. to or upon any property of the Commission shall incur a penalty of not less than \$5 or more than \$10.
- (3) The penalties imposed by or under subsection 2 Recovery of penalties shall be recoverable under *The Summary Convictions*Act and shall be paid over to the Commission.

  Rev. Stat., 6. 136.
- **5.** Subsection 12 of section 87 of *The Power Commission* Rev. Stat., *Act* is amended by striking out the word "approved" in the c., 62, 8, 87, second line and inserting in lieu thereof the word "proved". amended.
- **6.**—(1) Subsection 1 of section 96 of *The Power Commission* Rev. Stat., c. 62, s. 96, subs. 1, re-enacted
  - (1) Whenever it appears from the accounts of a municipal When corporation or municipal commission that after accounts of providing for any payments required to be made on show a surplus. account of principal or interest of any debentures issued for the construction and equipment of works for the production, development or distribution of electrical power or energy, and in the case of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution, after providing for the payments required by this Act, there is a surplus at the credit of the municipal corporation or municipal commission derived from the production, development or distribution of electrical power or energy or from dealing in electrical fittings, fixtures, appliances, machines or equipment, such surplus shall be applied and disposed of in such manner as the Commission may by general regulation or special
    - (a) in repaying to persons to whom electrical In repayment to power or energy is being supplied by such customers. municipal corporation or municipal commission moneys paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy;
    - (b) in the reduction of any indebtedness incurred In reduction with respect to the construction and equip-ness.
       ment of such works; or
    - (c) in purchasing or otherwise acquiring a site In erection and erecting thereon buildings for the occupa-buildings, tion and use of the municipal commission as etc.

Larger buildings quired,leasing part for

offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building and subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission, and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purposes of any public utility in the municipality; or

ing, repair-ing and extending works.

- (d) in the maintenance, repair or renewal thereof; or
- (e) in the extension of such works; or
- (f) in the formation of a fund to be used at a future time for any of such purposes; or
- To general purposes of
- (g) to the extent to which such surplus is derived from the supply of electrical power or energy for the public buildings of the corporation or the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility owned and operated by the corporation, by payment over of such surplus, or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation.

Rev. Stat., c. 62, s. 96, sub. 2,

(2) Subsection 2 of the said section 96 is amended by adding thereto the words "and shall be deemed so to have applied and to have had effect since the 16th day of April, 1912", so that the said subsection shall now read as follows:

(2) Subsection 1 shall apply to every municipal corporation or municipal commission which has entered into a contract with the Commission for the supply of electrical power or energy, and shall have effect notwithstanding any provision in any general or special Act and shall be deemed so to have applied and to have had effect since the 16th day of April. 1912.

Short title.

7. This Act may be cited as The Power Commission Amendment Act. 1944.

## CHAPTER 47.

An Act to amend The Provincial Land Tax Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

- 1. Section 18 of *The Provincial Land Tax Act* as re-enacted Rev. Stat. by section 5 of *The Provincial Land Tax Amendment Act*, (1940, 1940, is repealed and the following substituted therefor:

  1. Section 18 of *The Provincial Land Tax Amendment Act*, (1940, 1940, is repealed and the following substituted therefor:

  1. Section 18 of *The Provincial Land Tax Amendment Act*, (1940, 1940, 1940).
  - 18. Where any tax under this Act remains unpaid on Penalty the 1st day of March in the year for which it is on unpaid payable a penalty of five per centum shall be added taxes. thereto and in addition such tax and penalty shall bear interest at the rate of six per centum per annum from such 1st day of March until paid and for all purposes the amount of such tax, penalty and interest shall be deemed to be tax due and payable under this Act.
- Section 1 shall have effect on and after the 1st day of Commencement of s. 1.

  March, 1944.
- 3. This Act may be cited as The Provincial Land Tax Short title. Amendment Act, 1944.



## CHAPTER 48.

# An Act to amend The Public Health Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

- .1.—(1) Clause f of section 1 of The Public Health Act is Rev. Stat., repealed and the following substituted therefor:
  - (f) "health unit" shall mean a health unit established "health under this Act.
- (2) The said section 1 is further amended by adding thereto Rev. Stat., 0.299, s. 1, amended.
  - (ii) "medical and dental inspection" shall mean medical "medical and dental and dental treatment. inspection".
- 2.—(1) Clause ze of section 5 of The Public Health Act as Rev. Stat.. enacted by section 2 of The Public Health Amendment Act, c. 299, s. 5, 1940, is amended by striking out the word "and" after the (1.22, s. 2), words "camps" in the first line and by inserting after the amended. word "resorts" in the second line the words "and agricultural camps", so that the said clause shall now read as follows:
  - (ze) defining, regulating and licensing summer camps, Summer summer resorts and agricultural camps but not in-resorts and cluding premises commonly known as tourist camps, account about one of loging houses.
- (2) The said section 5 is further amended by adding thereto Rev. Stat. c. 299, s. 5, the following clauses:
  - (zi) prescribing standards for the location, construction, Location, alteration, repair and equipment of premises to be etc., of used as dwellings;
  - (zj) prescribing standards for the construction, operation cold storage and maintenance of premises used for public cold plants, storage of food for human consumption.

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Rev. Stat., c. 299, s. 35, subss. 1, 2. Health Act are repealed and the following substituted therefor:

Health unit,-establish ment;  A health unit comprising a county, city, town, village or township may be established by by-law of the council of such municipality.

agreements between municipalities. (1a) An agreement may be entered into between or among any such municipalities for the establishment of a health unit comprising both or all of the municipalities to the agreement.

Health unit,-how formed; (2) Where a county, either alone or with another county or with a municipality separated from the county, is a health unit, the local municipalities in such county and not separated therefrom shall all form part of such health unit.

in territorial district. (2a) A health unit in a territorial district may comprise one or more municipalities and one or more school sections.

Rev. Stat., c. 299, s. 35, subs. 4, cl. c, amended.

- (2) Clause c of subsection 4 of the said section 35 is amended by inserting after the word "health" where it occurs the first time in the second line the words "school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers", so that the said clause shall now read as follows:
  - (c) prescribing the powers, qualifications, salary and duties of a medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit.

Rev. Stat., c. 299, s. 35, subs. 4, cl. d, amended.

- (3) Clause *d* of subsection 4 of the said section 35 is amended by inserting after the word "health" where it occurs the first time in the second line the words "school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers", so that the said clause shall now read as follows:
  - (d) respecting the appointment and the tenure of office of the medical officer of health, school medical officers, dental officers, nurses, sanitary inspectors and other technical health workers in a health unit.

Rev. Stat., c. 299, s. 91, subs. 2, amended. 4. Subsection 2 of section 91 of *The Public Health Act* as amended by section 4 of *The Public Health Amendment Act*, 1943, is further amended by inserting after the word "municipality" where it occurs in the second and fifth lines the words "or health unit", so that the said subsection shall now read as follows:

- (2) Any school board may enter into an agreement with Agreement the local board of any municipality or health unit and dental to provide for the medical and dental inspection and of school dental treatment by the local board of the pupils of pupils. the school or schools under the charge of such school board situate in the municipality or health unit for which such local board is established.
- **5.**—(1) Subsection 1 of section 91a of *The Public Health Act* Rec., Stat., as enacted by section 6 of *The Public Health Amendment Act*, subset 1946, is amended by inserting after the word "nurses" in the c. 22, s. 6), fourth line the words "school medical officers and dental amended. officers", so that the said subsection now read as follows:
  - (1) Any school board may enter into an agreement with health any county to provide for the employment by and nurses, at the expense of the county, of public health nurses, school medical officers and dental officers in the schools under the control of such school board.
- (2) Subsection 2 of the said section 91a is amended by in-Rev. Stat., esting after the word "section" in the second line the words subs. 2. "and no school medical officer is appointed by the county", c. 22, s. 6), so that the said subsection shall now read as follows:
  - (2) Where an agreement is entered into pursuant to this Medical section and no school medical officer is appointed by to direct, the county the medical officer of health having jurisdiction in the place where the schools are located shall direct and control the activities of the public health nurses so employed.
- 6. This Act may be cited as The Public Health Amendment Short title. Act, 1944.



#### CHAPTER 49.

# An Act to amend The Public Lands Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

- 1. Section 13 of *The Public Lands Act* is amended by Rev. Stat. adding at the end thereof the words "including the rate of of amended interest to be charged on any unpaid balance", so that the said section shall now read as follows:
  - 13. The Lieutenant-Governor in Council may, from time price of to time, fix the prices at which the public lands are land and to be sold, and the terms and conditions of sale and interest of settlement including the rate of interest to be charged on any unpaid balance.
- 2. Section 24 of *The Public Lands Act* is amended by Rev. Stat., striking out the words and figures "1st day of July, 1890" e. dis. s. 24, where they occur in the second line of subsection 1 and in amended. the fourth line of subsection 2, and inserting in lieu thereof the words and figures "23rd day of June, 1942", so that the said subsections shall now read as follows:
  - (1) The Minister may reduce the price of any public Reduction lands sold by the Crown before the 23rd day of land sold June, 1942, where it appears that the land was sold value. at a price beyond its fair value, and that the price or part of it remains unpaid, but the reduction shall not exceed the amount which remains unpaid.
  - (2) The Minister may also make such abatement as be Abatement may deem just, of the arrears of interest upon the unpaid purchase money of any public lands sold by the Crown before the 23rd day of June, 1942.
- 3. This Act may be cited as The Public Lands Amendment Short title. Act, 1944.



#### CHAPTER 50.

# An Act to amend The Public Utilities Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

- 1. Section 31 of *The Public Utilities Act* is repealed and Rev. Stat., o. 286, s. 31. the following substituted therefor:
  - 31.—(1) Notwithstanding anything contained in The Excess of Municipal Act, the receipts arising from supplying expenditures any public utility or from property connected with to municipal the utility, after providing for the expenditures in treasurer, curred for the maintenance and operations of the Rev. Stat., utility, shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality and shall be placed to the credit of the utility in a separate account until the debentures and other forms of capital debt have been retired and thereafter shall form part of the general funds of the municipality.
  - (2) Where debentures or other forms of capital debt are Application outstanding in any year against the utility, the of receipts. The treasurer of the municipality shall apply the receipts paid over under subsection 1 in payment of the amount required to be levied under any debenture by-law of the municipality for the construction, extension or improvement of the utility, or with the approval of the council or the Department of Municipal Affairs,—
    - (a) in payment of temporary advances required for current expenditures pending the collection of revenue; or
    - (b) in the reduction of any indebtedness incurred with respect to the works and equipment of the utility; or
    - (c) in the maintenance, repair, renewal or extension of the utility; or

(d) in establishing a reserve fund to be used at any future time for any purpose mentioned in this subsection.

Where levy of rate necessary.

(3) It shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of the utility, except to the extent to which the receipts paid over under subsection 1 are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

Electric utilities excepted (4) This section shall not apply to any electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario.

Rev. Stat., c. 286, amended.

**2**. The Public Utilities Act is amended by adding thereto the following section:

Electrical utilities.

31a. The receipts arising from supplying an electrical public utility for which electrical power and energy are supplied by The Hydro-Electric Power Commission of Ontario or from property connected with the utility after providing for the expenditures incurred for the maintenance and operation of the utility and any payments required by The Power Commission Act shall, quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality to the extent and in such amounts as are necessary to provide for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the distribution of electrical power and energy, and it shall not be necessary to levy any rate to provide for sinking fund and interest or other payments on account of any debentures issued by the municipality for the construction, extension or improvement of such utility, except to the extent to which the receipts paid over hereunder are insufficient to meet the annual payments falling due on account of principal and interest of the debentures.

Rev. Stat., c. 62.

- Rev. Stat., c. 286, s. 44, repealed,
- 3. Section 44 of The Public Utilities Act is repealed.
- Short title.
- 4. This Act may be cited as The Public Utilities Amendment Act, 1944.



# CHAPTER 51.

An Act to prevent the Publication of Discriminatory Matter Referring to Race or Creed.

> Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. No person shall,—
  - (a) publish or display or cause to be published or dis-or displaying played; or

against publishing ing signs,

(b) permit to be published or displayed on lands or premises or in a newspaper, through a radio broadcasting station or by means of any other medium which he owns or controls.

any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or any class of persons for any purpose because of the race or creed of such person or class of persons.

- 2. This Act shall not be deemed to interfere with the free Effect of expression of opinions upon any subject by speech or in Act. writing and shall not confer any protection to or benefit upon enemy aliens.
- 3. Every one who violates the provisions of section 1 Penalty. shall be liable to a penalty of not more than \$100 for a first offence nor more than \$200 for a second or subsequent offence and such penalties shall be paid to the Treasurer of Ontario.
- 4.—(1) The penalties imposed by this Act may be recovered Recovery of penalties. upon the application of any person with the consent of the Attorney General, to a judge of the Supreme Court by originatof the Supreme Court shall apply.
- (2) The judge, upon finding that any person has violated Order of the provisions of section 1 may, in addition to ordering pay-

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ment of the penalties, make an order enjoining him from continuing such violation.

Enforcement of section.

(3) Any order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court.

Short title.

5. This Act may be cited as The Racial Discrimination Act, 1944.

## CHAPTER 52.

# An Act to provide for the Central Filing and Publication of Regulations.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act .-

Interpretation.—

- (a) "file" shall mean file in the manner prescribed in "file"; section 2:
- (b) "Minister" shall mean the member of the Executive "Minister"; Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (c) "publish" shall mean publish in the manner prescribed "publish": in section 3;
- (d) "Registrar" shall mean Registrar of Regulations; and "Registrar".
- (e) "regulation" shall mean any regulation, rule, order or "regulation".
  by-law of a legislative nature made or approved
  under the provisions of any Act of this Legislature
  by the Lieutenant-Governor in Council, a Minister
  of the Crown, a department of the public service,
  an official of the government or a board or commission all the members of which are appointed by the
  Lieutenant-Governor in Council, but shall not include a by-law of a municipality or local board, as
  defined in The Department of Municipal Affairs Rev. Stat.
  Act.
- 2.—(1) Every regulation shall be filed in duplicate with the Piling Registrar together with a certificate in duplicate of the making thereof signed by the authority making the regulation or a responsible officer thereof and, where approval is required, with a certificate in duplicate of approval signed by the authority so approving or by a responsible officer thereof.
- (2) Where a regulation is made or approved by the Lieu-gopy from tenant-Governor in Council, the filing with the Registrar of Executive two copies thereof certified to be true copies by the Clerk of the Executive Council shall be deemed to be compliance with subsection 1.

Commencement. Chap. 52.

(3) Unless otherwise stated therein a regulation shall come into force and have effect on and after the day upon which it is filed and a regulation shall in no case come into force or have effect before the day of filing.

Failure to file. (4) Notwithstanding any other Act, a regulation which is not filed shall have no effect.

Publication.

**3.**—(1) Every regulation shall, within one month of the filing thereof, be published in the *Ontario Gazette*.

Extension of time for publication

(2) The Minister may at any time, by order, extend the time for publication of a regulation and such order shall be published with the regulation.

Effect of non-publication.

(3) A regulation which is not published shall not be valid as against a person who has not had actual notice thereof.

Effect of publication.

- (4) Publication of a regulation shall,—
  - (a) be prima facie evidence of the text of the regulation and of the making, approval where required, and filing thereof; and
  - (b) be deemed to be notice of the contents thereof to every person subject thereto or affected thereby.

and a published regulation shall be judicially noticed.

Powers of Minister.

- 4. The Minister may,—
  - (a) determine whether any regulation, rule, order or by-law is a regulation within the meaning of this Act and his decision shall be final;
  - (b) determine who shall be deemed responsible officers within the meaning of section 2; and
  - (c) determine any matter which may arise in connection with the administration of this Act.

Registrar.

- 5. There shall be a Registrar of Regulations appointed by the Lieutenant-Governor in Council who shall,—
  - (a) be responsible for the numbering and indexing of all regulations filed with him and for the publication thereof; and
  - (b) exercise such powers and perform such duties as may be vested in or imposed upon him by this Act, the regulations passed hereunder, or the Minister.

- **6.**—(1) Regulations or amendments thereto shall be num-Numbering bered in the order in which they are filed, and a new series shall be commenced in each calendar year.
- (2) Regulations may be cited and referred to by the ex-Citation. pression "Ontario Regulations" or "O. Reg." followed by the number thereof, a vertical stroke and the last two figures of the calendar year of the filing thereof.
- 7.—(1) Subject to the approval of the Lieutenant-Governor Regulations. in Council, the Minister may make regulations.—
  - (a) prescribing the powers and duties of the Registrar;
  - (b) prescribing the form, arrangement and scheme of regulations;
  - (c) prescribing a system of indexing;
  - (d) providing for the preparation and publication of a consolidation or codification of regulations which have been filed, and for the preparation and publiccation of supplements thereto; and
  - (e) generally for the better carrying out of the provisions of this Act.
- (2) Publication of a regulation in a consolidation or codifica-Consolidation or supplement thereto shall be deemed publication within codification. the meaning of this Act.
- **8.**—(1) Notwithstanding the provisions of this Act, every Regulations regulation made prior to the date of the coming into force of passed. this Act shall continue in force and effect until the 31st day of December, 1944, but every such regulation shall be filed on or before the 31st day of December, 1944, and the provisions of this Act shall apply, *mutatis mutandis*, thereto.
- (2) This section shall not affect any legal proceeding which Pending is commenced prior to the 31st day of December, 1944.
- **9**. The filing or publication of a regulation under this Act Defects not shall not have the effect of validating or correcting any such regulation which is otherwise invalid or defective in any respect or for any reason.
- 10. This Act shall come into force on the 1st day of July, Commence-1944.
  - 11. This Act may be cited as The Regulations Act, 1944. Short title.



#### CHAPTER 53

# An Act respecting the Ontario Research Foundation.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act.-

Interpre-

- (a) "Foundation" shall mean Ontario Research Foundation".
- (b) "Board" shall mean Board of Governors of the "Board"; Foundation; and
- (c) "Executive Committee" shall mean Executive Com-"Executive Committee".
- 2. The Ontario Research Foundation shall continue to be Foundation to body corporate.
- 3. The objects of the Foundation shall be the carrying on Objects of of research, studies and investigations, particularly those having for their objects,—
  - (a) the conservation, development and utilization of the natural resources of the Province;
  - (b) the development and utilization of the by-products of any processes involving the treating or using of the mineral, timber or other resources of the Province.
  - (c) the development and improvement of methods in the agricultural industry and the betterment, welfare and progress of farm life;
  - (d) the mitigation and abolition of disease in animal or vegetable life and the control and destruction of insect or parasitic pests; and

Management of affairs by Board of (e) the improvement and development of industrial materials, products and techniques.

**4.**—(1) The affairs of the Foundation shall be managed and its powers may be exercised by a Board of Governors consisting of not more than twenty-five members who shall be appointed by the Lieutenant-Governor in Council and the members of the Board shall be the members of the Foundation.

Resignation.

(2) A member of the Board may resign at any time.

Chairman

**5.**—(1) The Board at its first meeting after the coming into force of this Act and at each annual meeting thereafter shall elect from among its members a chairman and two vice-chairmen who shall hold office until the next annual meeting and until their successors are duly elected and who shall be eligible for re-election.

Vacancies.

(2) Any vacancy occurring in any of such offices during the term of office may be filled by the Board from among its members for the remainder of the unexpired term.

Present chairman and vice(3) Until the first meeting of the Board held after the coming into force of this Act, the persons presently holding the offices of chairman and vice-chairman of the Foundation shall continue in office and shall administer the affairs of the Foundation.

First meeting (4) The first meeting of the Board after the coming into force of this Act shall be held at such place and time as may be determined by the Lieutenant-Governor in Council.

Executive Committee.

**6.**—(1) There shall be an Executive Committee of the Board consisting of the chairman and vice-chairmen and two other members who shall be elected by the Board from among its members at its first meeting held after the coming into force of this Act and at each annual meeting thereafter and who shall hold office until the next annual meeting and until their successors are duly elected and who shall be eligible for re-election.

Delegation of powers.

(2) The Board may delegate all or any of its powers to the Executive Committee and may revoke or amend any such delegation.

Place of meetings. 7. Meetings of the Board and of the Executive Committee may be held at such places and times as may be determined in accordance with the by-laws of the Foundation, provided that the annual meeting of the Board shall be held not later than the 1st day of May in each year.

- **8.** The Board may make by-laws not contrary to the pro-Conduct and administration visions of this Act to regulate the conduct and administration tion. of the affairs of the Foundation in all things and particularly, without limiting the foregoing general power.—
  - (a) to regulate the calling of and the procedure at meetings of the Board and of the Executive Committee; to regulate the time and place for the holding of such meetings respectively; and to fix the respective quorum for the Board and for the Executive Committee:
  - (b) to regulate the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation; and
  - (c) to establish and regulate the appointment, functions, powers, duties, meetings, quorum and removal of, such technical or advisory committees as the Board may deem advisable.
- 9. The chairman, vice-chairmen and members of the Board Chairman, and of the Executive Committee shall not be paid any remun-chairmen, eration but, if the by-laws of the Foundation so provide, may board be paid any reasonable expenses incurred by them in the performance of their duties and section 93 of The Companies Act Rev. Stat., shall apply mutatis mutandis to the Foundation and to the committee in the same manner and to the same effect as though the Foundation were a company incorporated under Part I of that Act and the members of the Board and of the Executive Committee were directors thereof.
- 10. All property and assets, real and personal, rights and Property privileges owned, held, possessed or enjoyed by the Foundation and assets immediately prior to the time of the coming into force of this Foundation. Act shall continue to be vested in the Foundation for the same estate, title or interest.

# 11. The Foundation may,—

Powers of Foundation

- (a) purchase, lease or otherwise acquire and hold any real property or any estate or interest therein deemed necessary for the purposes of the Foundation;
- (b) take by gift, donation, devise or bequest and hold any real or personal property or any estate or interest therein:
- (c) with the prior approval of the Lieutenant-Governor in Council and without the consent of the owner,

Chap. 53.

enter upon, take, use and expropriate any real property or any estate or interest therein deemed necessary for its purposes, and the Foundation shall, in the exercise of the powers hereby conferred, proceed in like manner to that provided by The Public Works Act where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to entering on land or property, the depositing of a plan, the vesting of title and the determination and payment of compensation shall apply mutatis mutandis to the Foundation:

Rev. Stat.,

- (d) construct, maintain and alter any buildings and works deemed necessary or convenient for the purposes of the Foundation; and
- (e) when no longer required for the purposes of the Foundation, sell, lease or otherwise dispose of any real property or any estate or interest therein.

Research, investiga-tions, etc.

12. The Foundation may carry on research, investigations, studies and operations for other persons upon such terms and conditions as the Executive Committee may determine, subject to any direction of the Board.

Inventions and discoveries.

13. The Foundation may purchase or otherwise acquire any invention or discovery or any right therein and may apply for, purchase or otherwise acquire any letters patent of invention or similar protection of the Dominion of Canada or elsewhere or any license or other right, title or interest in or under any patent or similar protection and may hold. use, exercise, develop, license, assign or otherwise dispose of or turn such invention, discovery, letters patent or protection to account

Gratuities.

14. The Foundation may pay gratuities, bonuses and allowances to retired or superannuated officers or servants of the Foundation either out of the general funds of the Foundation or out of any special funds set aside for that purpose and may make payments toward insurance, pension, retirement, sickness and other funds or plans calculated to benefit the officers and employees of the Foundation or their dependants or connections, but no payment shall be made to or for the benefit of the chairman, vice-chairmen or members of the Board or of the Executive Committee.

15. The real and personal property, business and income of the Foundation shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature.

- 16. No real property of the Foundation and no estate Property of or interest therein shall be liable to be entered upon, used, not to be taken or expropriated by any municipal or other corporation or person possessing the right of taking land compulsorily and no power to enter upon, take or expropriate land hereafter conferred shall extend to the real property of the Foundation or to any estate or interest therein unless in the Act conferring the power it is made in express terms to apply thereto.
- 17. All real property of the Foundation shall, with respect Statutes of limitations. to the application of any statute of limitations, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.
- 18. The funds of the Foundation may be invested as the Funds. Executive Committee may determine subject to any direction of the Board.
- 19. The Board at each annual meeting shall appoint one Auditors. or more auditors who shall hold office until the next annual meeting and until their successors are duly appointed and the auditor or auditors shall yearly examine the accounts of the Foundation and shall report thereon to the Board.
- 20. The Board shall annually report to the Lieutenant-Annual Governor in Council on the affairs of the Foundation.
- 21. The Foundation shall have power to do all such things Foundation as are incidental or conducive to the attainment of its objects.
- 22. The Research Foundation Act and section 31 of The Rev. Stat., atute Law Amendment Act, 1939, are repealed. Statute Law Amendment Act, 1939, are repealed.
- 23. This Act shall come into force on a day to be named by Commencement of Act. the Lieutenant-Governor by his Proclamation.
- 24. This Act may be cited as The Research Foundation Short title. Act, 1944.



## CHAPTER 54.

# An Act respecting the Rights of Labour.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

# 1. In this Act,-

Interpre-

- (a) "collective bargaining agreement" shall mean an "collective agreement between an employer and a trade union agreement"; setting forth terms and conditions of employment; and
- (b) "trade union" shall mean a combination, whether "trade temporary or permanent having among its objects the regulating of relations between employees and employers or between employees and employees or between employers and employers.
- 2. A trade union and the acts thereof shall not be deemed Trade union to be unlawful by reason only that one or more of its objects are in restraint of trade.
- **3.**—(1) Any act done by two or more members of a trade Acts done by union, if done in contemplation or furtherance of a trade members. dispute, shall not be actionable unless the act would be actionable if done without any agreement or combination.
- (2) A trade union shall not be made a party to any action Trade union, in any court unless such trade union may be so made a party party to irrespective of any of the provisions of this Act or of The Labour Relations Board Act, 1944.
- (3) A collective bargaining agreement shall not be the Collective subject of any action in any court unless such collective agreement, bargaining agreement may be the subject of such action action. irrespective of any of the provisions of this Act or of The Labour Relations Board Act, 1944.

tion of 1942, c. 31, (Canada).

4. The provisions of The Reinstatement in Civil Employment Act, 1942 (Canada) shall apply in Ontario notwithstanding the termination of the war between Canada and Germany and Japan, and notwithstanding the repeal thereof by the Parliament of Canada.

Commencement of Act. the Lieutenant-Governor by his Proclamation. 5. This Act shall come into force on a day to be named by

Short title. 6. This Act may be cited as The Rights of Labour Act, 1944.

## CHAPTER 55.

# An Act to amend The Rural Power District Service Charge Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of The Rural Power District Service Charge Act Rev. Stat., as re-enacted by section 2 of The Rural Power District Service (1938, s. 1) Charge Amendment Act. 1938, is amended by adding thereto (1938, s. 2) the words "and may from time to time reduce or wholly remove any service charge previously fixed", so that the said section shall now read as follows:
  - 1. Notwithstanding anything contained in any Statute Fixing or municipal by-law or contract, the Lieutenant maximum Governor in Council, upon the recommendation of Service The Hydro-Electric Power Commission of Ontario, etc. may from time to time make regulations fixing a maximum service charge for any class of service rendered by the Commission in a rural power district and also fixing the minimum number of consumers of different classes per mile of transmission line required for construction of works by the Commission in a rural power district or part thereof and may from time to time reduce or wholly remove any service charge previously fixed.
- 2.—(1) Subsection 1 of section 2 of The Rural Power Rev. Stat., District Service Charge Act as re-enacted by section 3 of The subs. 1 Rural Power District Service Charge Amendment Act, 1938, (1988, 1988), is repealed and the following substituted therefor:
  - (1) Where in any rural power district by reason of such Where maximum service charge having been fixed, reduced arises. or removed or such minimum number of consumers having been fixed pursuant to section 1, the revenue derived by the Commission for any class of service rendered by it in the rural power district is not sufficient to meet the necessary cost of the service

as specified by the Commission, the deficit shall be chargeable to and payable out of the Consolidated Revenue Fund.

Rev. Stat., c. 66, s. 2, subs. 3, repealed.

Short title.

(2) Subsection 3 of the said section 2 is repealed.

3. This Act may be cited as The Rural Power District Service Charge Amendment Act, 1944.

## CHAPTER 56.

# The School Law Amendment Act, 1944.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 15 of *The Adolescent School* Rev. Stat., *Attendance Act* is amended by striking out all the words after albs 1, the word "penalty" in the twenty-third line and inserting in amended. lieu thereof the words and figures "of not less than \$1 nor more than \$20", so that the said subsection shall now read as follows:

(1) Every person who,-

Offences and penalties

- (a) employs an adolescent who does not hold
  - (i) a home permit or an employment certificate as defined in section 3; or
  - (ii) a school dismission card or a school registration card as defined in section 7;
- (b) employs an adolescent at any time during which his attendance is by this Act required at part-time courses of instruction; or
- (c) employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such courses will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or
- (d) being a parent or guardian of an adolescent, has conduced to or connived at the failure on the part of an adolescent to attend parttime courses of instruction as required under this Act, or suffers or permits such adolescent, through want of proper care or control, to violate any of the obligations of this Act;

shall incur a penalty of not less than \$1 nor more than \$20.

(2) Section 15 of The Adolescent School Attendance Act is Rev. Stat., (2) Section 15 of *The Adolescent School Attendanc* 6, 368, 8, 15, amended by adding thereto the following subsection:

Certificate of principal.

- (3) In any prosecution under this Act a certificate as to the attendance or non-attendance at school of any adolescent signed or purporting to be signed by the principal of the school shall be prima facie evidence of the facts stated therein without any proof of the appointment of such principal or of his signature.
- Rev. Stat., c. 361, s. 12, subs. 1, 2. Subsection 1 of section 12 of The Boards of Education Act is amended by inserting after the word "school" in the eighth line the word "district", so that the said subsection shall now read as follows:

(1) A high school board of a high school district which is composed of a municipality, a part of a municipality, two or more municipalities or parts thereof in which a municipal board has not been organized and the board of public school trustees of a school section which is composed of the same area as such high school district may unite as a union board of education on filing with the clerk of the municipality in which the high school district is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

Rev. Stat.,

3. Clause g of subsection 1 of section 1 of The High Schools 3. Clause g of subsection 1 of section 10 of The School amended.

4. amended by subsection 2 of section 10 of The School amended. after the word "board" in the tenth line the words "any sums spent for medical and dental inspection and dental treatment", so that the said clause shall now read as follows:

tenance".

(g) "Maintenance" shall include repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence: insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers, officers and other employees.

- 4. The High Schools Act is amended by adding thereto the Rev. Stat., 6. 360, amended.
  - 24a.—(1) Subject to the approval of the Minister and Fund for of the municipal council or councils concerned the expenditures. board may include in the estimates for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of the school or schools under the charge of the board and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.
    - (2) Any amount paid to the Treasurer of Ontario under Use of fund. subsection 1, together with interest thereon, may with the consent of the Minister and the municipal council or councils concerned, be used by the board for capital expenditures.
- 5. The High Schools Act is amended by adding thereto the Rev. Stat. c. 360, and following section:
  - 27a.—(1) With the approval of the Minister, the board Information remay appoint one or more officers qualified according employment. to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement.
  - (2) With the approval of the Minister, the board may Agreements enter into an agreement with one or more other appointment boards of high school trustees or boards of education of officers, for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement.
- **6.** Subsection 3 of section 59 of *The High Schools Act* is Rev. 3616, e. 3616, e. 516, repealed and the following substituted therefor:

Chap. 56.

Holidays.

(3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of The Public Health Act or the regulations of the Department, shall be a school holiday.

Rev. Stat., c. 299.

7. Section 38 of The Public Libraries Act is repealed and the following substituted therefor:

Estimates

- 38. The Board shall submit to the municipal council or councils and in the case of a school section not situate in an organized township to the trustees of the school section, on or before the 1st day of March in each year, a detailed estimate of the several sums required for the ensuing financial year to pay,—
  - (a) the interest on any money borrowed, as hereinafter mentioned:
  - (b) the amount required to be raised for the sinking fund, or to pay any instalment of principal and interest;
  - (c) the expense of maintaining and managing the libraries, reading rooms, museums, evening classes, art schools and all other activities under its control:
  - (d) contributions to an employees' pension fund;
  - (e) retiring allowances to employees retired by reason of age or disability; and
  - (f) amounts required to be paid under statutory or other authority.

Rev. Stat., c. 283, s. 39, subs. 1, amended.

8. Subsection 1 of section 39 of The Public Libraries Act is amended by striking out the symbol and figure "\$1" in the fifteenth line and inserting in lieu thereof the symbol and figures "\$1.25", so that the said subsection shall now read as follows:

Annual

(1) The municipal council of a city, town, village or township, the council of the township or the councils of the townships in which a police village or school section is situate, or the trustees of a school section

if the section is not situate in an organized township, in addition to all other rates and assessments levied and assessed shall levy and assess in each year a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed a rate in the dollar of taxable assessment that will yield more than fifty cents per capita of population of the municipality, police village or school section, as shown in the latest revised assessment roll, but by a vote of a majority of the council or board present and voting thereon, such rate may be increased to an amount to yield not more than \$1.25 per capita of the population.

- 9. Subsection 3 of section 6 of *The Public Schools Act* e. 357, s. e. is repealed and the following substituted therefor:
  - (3) Every Saturday, every public holiday, the 24th day Holidays. of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health* Rev. Stat., Act or the regulations of the Department, shall be a school holiday.
- 10. Section 15 of *The Public Schools Act* as amended by Rev. Stat., section 16 of *The School Law Amendment Act*, 1939, and amended, section 4 of *The School Law Amendment Act*, 1940, is further amended by adding thereto the following subsection:
  - (1b) Where a township school area includes a union Certified school section the clerk of each township any portion voters' of which forms part of the union school section shall furnish to the clerk of the township in which the area is formed a certified copy of the list of voters qualified to vote on school matters in that portion of the township.
- 11. Subsection 1 of section 16a of The Public Schools Act Rev. Stat., as enacted by section 5 of The School Law Amendment Act, 357, 8.16a, 1940, is repealed and the following substituted therefor:
  - (1) For the purpose of evaluating, adjusting and deter-Adjustment mining all rights and claims between school sections mination within township school areas formed under section 15 and claims. or section 15a, section 16 shall apply, provided that the powers and duties conferred and imposed upon

the Ontario Municipal Board by section 16 shall, in the case of such areas, be exercised and performed by the Minister.

Rev. Stat., c. 357, s. 89, cl. d, amended.

12. Clause d of section 89 of The Public Schools Act is amended by striking out all the words after the word "pupil" in the fifteenth line and inserting in lieu thereof the words "during the school year who is not six years of age on the opening day of school in September", so that the said clause shall now read as follows:

To provide

(d) to provide adequate accommodation for all children between the ages of five and sixteen years, resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under The Separate Schools Act shall not be included; provided that where the accommodation is not more than sufficient for all children over six years of age or where the general progress of the school or grade may be prejudicially affected, the inspector may in either case authorize the board to refuse to admit any pupil during the school year who is not six years of age on the opening

Rev. Stat., c. 362.

13. The Public Schools Act is amended by adding thereto the following section:

day of school in September.

Fund for expenditures.

Rev. Stat., c. 357,

89a.—(1) Subject to the approval of the Minister and of the municipal council or councils concerned the board may include in the estimates for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of any school or schools under the charge of the board and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum

Use of

- (2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon may, with the consent of the Minister and of the municipal council or councils concerned be used by the board for capital expenditures.
- Rev. Stat., c. 357, s. 103, cl. h, 14. Clause h of section 103 of The Public Schools Act is repealed and the following substituted therefor: re-enacted.

- (h) to refuse admission to the school of any pupil who Infectious he believes is infected with or exposed to communic-among able diseases requiring quarantine and placarding under regulations made pursuant to The Public Health Act until furnished with a certificate of a Rev. Stat., medical officer of health or of a duly qualified medical of 299. practitioner approved by him that all danger from exposure to contact with such pupil has passed.
- 15. Subsection 3 of section 112 of *The Public Schools Act* Rev. Stat. as amended by section 18 of *The School Law Amendment* Subs. 3. 112, as amended by section 13 of *The School Law Amendment* act, 1941, and section 13 of *The School Law Amendment Act*, 1943, is further amended by striking out the symbol and figures "\$800" in the fourth line and inserting in lieu thereof the symbol and figures "\$1,000", so that the said subsection shall now read as follows:
  - (3) The sums so levied and collected shall be applied Application of exclusively to teachers' salaries, and payment of township sums to boards under this section shall not be made grant, unless the salary of the teacher for the year, in each case, is at least \$1,000.
- **16.** Subsection 1 of section 11 of *The School Attendance* New Stat. Act is amended by striking out the symbol and figure "\$5" in auto. 11. the fifth line and inserting in lieu thereof the symbol and amended. figure "\$1", so that the said subsection shall now read as follows:
  - (1) A parent, or guardian or other person having the Liability charge or control of any child between the ages of eight and fourteen years, who neglects or refuses to cause such child to attend school unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than \$1 nor more than \$20.
- 17. Section 16 of *The School Attendance Act* is amended Rev. Stat., by adding thereto the following subsection:  $\frac{6.367.8.16}{anended}$ 
  - (2) In any prosecution under this Act a certificate as Certificate of to the attendance or non-attendance at school of principal. any child signed or purporting to be signed by the principal of the school shall be prima facie evidence of the facts stated therein without any proof of the appointment of such principal or of his signature.
- **18.** Section 25 of *The School Law Amendment Act, 1943*, is 1943, c. 26. amended by inserting after the figures "1943" in the first line amended of clause *a* the word and figures "and 1944", by striking out the figures "1944" in the first line of clause *b* and inserting in

lieu thereof the figures "1945", and by striking out the figures "1945" in the first line of clause c and inserting in lieu thereof the figures "1946", so that the said section shall now read as follows:

Bases of legislative grants.

1932, c. 96; 1938, c. 76.

- 25. Notwithstanding the provisions of section 6 of *The Township of York Act*, 1932, as amended by section 3 of *The Township of York Act*, 1938, the legislative grants for the support of public and separate schools in the Township of York shall, in the calendar years indicated, be computed and paid on the following bases:
  - (a) 1943 and 1944, in the same manner and on the same assessment as the legislative grant paid in 1942, in this section referred to as the "old basis":
  - (b) 1945, on the basis prescribed by the regulations made under The Department of Education Act, in this section referred to as the "new basis", plus fifty per centum of the difference between the amount of the grant calculated on the old basis and the amount of the grant calculated on the new basis; and
  - (c) 1946 and subsequent years, on the new basis.

Rev. Stat... c. 362, s. 93, subs. 3, repealed and the following substituted therefor:

Holidays

(3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday.

Rev. Stat., c. 299.

Rev. Stat., c. 366, s. 5, re-enacted. **20.** Section 5 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

Contribu tions by Province. 5. The Treasurer of Ontario shall place to the credit of the fund at such times as shall be prescribed by the regulations, sums equal to those contributed by the teachers and inspectors under section 4.

Rev. Stat., c. 366, s. 17, amended. 21. Section 17 of The Teachers' and Inspectors' Superannuation Act as amended by section 19 of The School Law Amendment Act, 1943, is further amended by adding thereto the following clauses:

- (gg) prescribing the credit to be given under the Act Services in for services performed as a teacher or inspector in Province. another Province by a teacher or inspector subsequently employed in Ontario and providing for payment into the fund of an amount equal to the contributions, that would have been paid into the fund by the teacher, together with accumulated interest, if such services had been performed in Ontario.
- (ggg) providing for payment out of the fund into any Transfer of contributions like fund under a superanimation scheme in any to other other Province of an amount equal to the contributions paid into the fund by a teacher or inspector who has ceased to be employed in Ontario and has become employed as a teacher or inspector in such other Province, together with accumulated interest.

**22**. The Vocational Education Act is amended by adding Rev. Stat. c. 369, thereto the following sections:

- 12a.—(1) Subject to the approval of the Minister and Fund for of the municipal council or councils concerned, the expenditures advisory committee may include in its estimates to the board for the current calendar year an amount not exceeding ten per centum of the maintenance costs for the preceding calendar year of any vocational school or department under its management or control, and such amount shall be deposited by the board with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.
- (2) Any amount paid to the Treasurer of Ontario under Use of subsection 1, together with interest thereon, may with the consent of the Minister and of the municipal council or councils concerned, be used for capital expenditures of the board in the construction or permanent improvement, enlargement or extension of any vocational school or department which is under the management and control of the advisory committee.
- 12b. -(1) Subject to the approval of the Minister and Fund for of the municipal council or councils concerned, the maintenance advisory committee may include in its estimates to the board an amount not exceeding five per centum

of the total value of the machine tool equipment and specialized scientific apparatus contained in any vocational school or department under its management or control, and such amount shall be deposited with the Treasurer of Ontario to be held in trust for the board and while so held shall bear interest at the rate of three per centum per annum compounded annually.

Use of fund.

(2) Any amount paid to the Treasurer of Ontario under subsection 1, together with interest thereon, may with the consent of the Minister and the municipal council or councils concerned, be used by the board for the replacement or repair of machine tool equipment and specialized scientific apparatus contained in any vocational school or department under the management and control of the advisory committee.

Rev. Stat., c. 369, s. 24, subs. 3, re-enacted.

**23**. Subsection 3 of section 24 of *The Vocational Education Act* is repealed and the following substituted therefor:

Amount to be raised. (3) The amount to be raised respectively by the council of each municipality in the vocational school district for such purposes shall be the proportion that the population-assessment of the municipality bears to the sum of the population-assessments of all the municipalities constituting the vocational school district.

Interpreta-

(4) In this section "population-assessment" shall mean the amount of the last revised assessment of a municipality multiplied by the population of such municipality and "population" shall have the same meaning as in The Municipal Act.

Rev. Stat., c. 266. Short title.

24. This Act may be cited as The School Law Amendment Act, 1944.

1944.

## CHAPTER 57.

# An Act respecting Slot Machines.

Assented to April 6th, 1944 Session Prorogued April 6th, 1944

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act "slot machine" shall mean any automatically Interpretaor mechanically, or automatically and mechanically operated "slo contrivance or device which, upon or subsequently to the machine". insertion therein or in a slot or receptacle thereof of any money, coin, token, counter, disk, slug or other substance and upon or without the operation of any handle, lever, plunger or other attachment thereof delivers or returns or purports to deliver or return to any person, either with or without any article of merchandise or any goods, any money, premium, prize, reward, token, counter, disc, slug or anything which is capable of being exchanged for money or money's worth or which may be replayed or reinserted in such contrivance or device to again set it in operation, and shall include any machine apparently designed for any such purpose, notwithstanding that such machine is for any reason incapable of being so operated but shall not include.—
  - (a) a contrivance or device which vends goods or services at the normal price thereof upon the insertion of a coin or coins and which.—
    - (i) upon failure to supply the goods or services returns such coin or coins; or
    - (ii) delivers with the goods or services a coin or coins representing the difference between the normal value of the goods or services and the value of the coin or coins inserted; or
  - (b) a contrivance or device used by a cashier for facilitating the making of change.

No owner-

2. No slot machine shall be capable of ownership or be the subject of property rights and no court of civil jurisdiction shall recognize or give effect to any alleged ownership of or property rights in any slot machine.

Search of premises.

**3.**—(1) Any police officer or police constable may at any time without warrant enter and search in any premises or place, other than a dwelling house, in or on which he has reason to believe that a slot machine is kept or operated.

Search of dwelling (2) Upon information on oath by a police officer or police constable that he has reasonable grounds for believing that a slot machine is kept in any dwelling house, any justice of the peace may by warrant under his hand authorize and empower the police officer or police constable to enter and search the dwelling house and every part thereof, and for that purpose to break down any door, lock or fastening, and it shall not be necessary to certify in the information the grounds for believing that a slot machine is being so kept.

Seizure.

**4.**—(1) Every police officer or police constable who finds a slot machine shall seize it and all money therein and bring such slot machine and money before a justice of the peace who shall thereupon issue a summons addressed to the person in whose apparent possession the slot machine was at the time of the seizure, requiring him at the time and place named therein to appear before a magistrate and show cause why the slot machine should not be confiscated.

Order of confiscation.

- (2) Upon the return of the summons and,
  - (a) upon hearing such representations as may be made and such evidence as he may deem proper; or
  - (b) upon the default of appearance of the person summoned,

unless the magistrate is satisfied that the machine is not a slot machine, he shall order that it and all money therein be confiscated to His Majesty in right of Ontario.

Disposal.

(3) Any slot machine and the money therein confiscated under this Act shall be disposed of as the Attorney-General may direct.

Appeal.

5. A police officer or police constable who has seized any machine pursuant to this Act or any person who claims to be the owner of a machine which a magistrate has ordered to be confiscated under this Act may appeal from the decision or order of the magistrate made with regard to such machine to the county or district court of the county or district in which

the machine was seized and the provisions of The Summary Convictions Act relating to appeals shall apply mutatis mutandis.

6. This Act may be cited as The Slot Machine Act, 1944. Short title.



#### CHAPTER 58.

# The Statute Law Amendment Act, 1944.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Barristers Act is amended by adding thereto the Rev. Stat., 60.2223, amended.
  - 4a.—(1) Unless called and admitted to practise at the Who may Bar in His Majesty's courts in Ontario, no person barrister. shall act as a barrister in any court of civil or criminal jurisdiction or before any justice of the peace, or hold himself out or represent himself to be entitled to practise at the Bar in His Majesty's courts of Ontario.
  - (2) Everyone who violates the provisions of subsection 1 Penalty-shall be guilty of an offence and liable to a penalty of not more than \$100 for a first offence nor more than \$200 for a second or subsequent offence.
  - (3) The penalties imposed by this section may be recovery repealties.
    ed in the manner provided by The Summary Con-Rev. Stat.,
    victions Act or upon application by the Society to a c. 136.
    judge of the Supreme Court by originating notice.
  - (4) Where proceedings by originating notice are taken Where prounder subsection 3 the rules of practice of the taken under Supreme Court shall apply.
  - (5) The judge upon finding that any person has violated Order of the provisions of subsection 1 may, in addition to judge. ordering payment of the penalties, make an order enjoining him from practising or holding himself out as being entitled to practise at the Bar in His Majesty's courts of Ontario.
  - (6) Any order made under this section may be enforced Enforcein the same manner as any other order or judgment ment of of the Supreme Court and may be varied or dis-

charged upon an application made by originating notice.

Application of section.

(7) This section shall be read and construed subject to the provisions of any statute which authorizes the appearance of a person other than a barrister in court.

Penalties to whom paid. (8) The penalties recovered under this section shall be paid to the Treasurer of Ontario.

Rev. Stat., c. 140, s. 12, subs. 2, amended. **2.** Subsection 2 of section 12 of *The Constables Act* is amended by striking out the words "city or to a town" in the first line and inserting in lieu thereof the word "municipality", so that the said subsection shall now read as follows:

Exception

(2) This section shall not apply to a municipality having a board of commissioners of police.

Rev. Stat., c. 173, s. 13, subs. 1,

**3.** Subsection 1 of section 13 of *The Custody of Documents Act* is amended by striking out the words "within five years" in the first line, so that the said subsection shall now read as follows:

Application to remove from custody. (1) At any time after the deposit of a document any person may apply to the Supreme Court or to the county or district court of the county or district in which the deposit is made, or to a judge of either of such courts, for the delivery of the document to such person, and the court or judge may direct that the same shall be delivered by the registrar to the applicant, or to any person the court or judge directs, upon being satisfied that the applicant would, but for the deposit, be solely entitled to the possession of the document, and that the deposit thereof was made without his consent, or the consent of any person entitled at the time of the deposit to any interest therein, and, where the document relates to other land than that in which the applicant is interested, that there are reasonable grounds for removing the document from the custody of the registrar.

Rev. Stat., c. 39, s. 16, re-enacted.

**4**. Section 16 of *The Forestry Act* is repealed and the following substituted therefor:

Forest Resources Commission. 16.—(1) There shall be a commission to be known as The Ontario Forest Resources Commission consisting of a chairman and not more than four other members, all of whom shall be appointed by the Lieutenant-Governor in Council. (2) The Commission may,

Powers of

- (a) carry on research work, studies and investigations having for their objects.
  - the conservation, development and beneficial utilization of the forest lands of Ontario, and
  - (ii) the improvement of methods of planting, developing, utilizing and marketing forest trees upon Crown lands and the lands of lessees, licensees and concessionaires of the Crown:
- (b) exercise such powers and perform such duties as may be vested in or imposed upon it by the Lieutenant-Governor in Council; and
- (c) generally do such things as it deems necessary or advisable to protect and utilize to the best advantage the forest resources of Ontario.
- (3) The salaries and expenses of The Ontario Forest Re-Salaries and sources Commission shall be paid out of the Consolidated Revenue Fund.
- 5.—(1) Subsection 5 of section 114 of *The Insurance Act* Rev. Stat., is repealed and the following substituted therefor:
  - (5) The directors may declare a refund from surplus Refund from provided that
    - (a) on the effective date of the refund the net surplus of the insurer after deducting the total amount of the refund shall, in terms of cents per hundred dollars of net insurance in force, be not less than the amount set out in the following table, or, in the case of an insurer with less than two million dollars of net insurance in force, such other amount as shall be approved by the Superintendent;
    - (b) except as hereinafter provided, the refund shall apply on all policies in force on the effective date thereof;
    - (c) the refund on each policy shall be in the same ratio to the total refund as the face value of the premium note is to the total face value of all premium notes in force at date of refund, or, that the refund on each policy shall be a fixed percentage of the annual instalment or of one-third of the cash payment for three years in advance, as the case may be; and

(d) the by-laws of the insurer require that refunds shall be payable only to members insured continuously in the said insurer during the three years preceding the effective date of the refund.

# TABLE

When the total net amount at risk is greater	
than \$25,000,000\$	0.60
When the total net amount at risk is greater	
than \$10,000,000	.70
When the total net amount at risk is greater	
than \$5,000,000	.80
When the total net amount at risk is greater	
than \$2,000,000	1.00

Rev. Stat. c. 256, s. 114, (2) The said section 114 is amended by adding thereto the amended. following subsection:

Where subs. 5 to apply.

- (7) Subject to the exceptions in subsection 6, the provisions of subsection 5 shall apply to any distribution of surplus to members other than a distribution for the purposes of winding-up or reinsurance of the insurer.
- Rev. Stat. e. 256 s. 205, amended.

  "Subsection 5 of section 205 of *The Insurance Act* is subs. 5. amended by adding at the commencement thereof the words "Subject to subsection 5a", so that the said subsection shall now read as follows:

Defence where excess or extended coverage. (5) Subject to subsection 5a, where a policy provides for coverage in excess of the limits mentioned in section 202 or for extended coverage in pursuance of section 203, nothing in this section shall, with respect to such excess coverage or extended coverage, prevent the insurer from availing itself, as against any claimant, of any defence which the insurer is entitled to set up against the insured.

Rev. Stat., c. 256, s. 205, following subsection:

Extended coverage, where subs. 5 to apply. (5a) Where a policy provides for extended coverage in respect of loss or damage resulting from bodily injury to, or the death of, any person being carried in or upon, or entering, or getting on to, or alighting from, an automobile operated in the business of carrying passengers for compensation or hire subsection 5 shall apply only to that part of such extended coverage,—

- (a) which exceeds any minimum coverage required by this Act; or
- (b) where a greater minimum coverage is required by or pursuant to any other Act of, or in force in, the province, which exceeds such greater minimum coverage.
- (3) Subsection 7 of the said section 205 is repealed and the Rev. Stat... c. 256, s. 205, subs. 7, re-enacted. following substituted therefor:
  - (7) Where an insurer denies liability under a motor Insurer vehicle liability policy it shall have the right upon made third application to the court to be made a third party party in any action to which the insured is a party and in which a claim is made against the insured by any party to the action for which it is or might be asserted that indemnity is provided by the said policy, whether or not the insured enters an appearance or defence in such action, and upon being made a third party such insurer shall have the right to contest the liability of the insured to any party claiming against the insured, and to contest the amount of any claim made against the insured to the same extent as if a defendent in the action, including for such purpose the right to deliver a statement of defence to the claim of any party claiming against the insured and to deliver other pleadings and to have production and discovery from any party adverse in interest and the right to examine and cross-examine witnesses at the trial.
- **7.** Clause *c* of section 230 of *The Insurance Act* is amended Rev. Stat. by inserting after the word "lives" in the third line the words (2.56, 5.280, 5.280). "other than annuities issued as part of or arising directly from contracts of life insurance", so that the said clause shall now read as follows:
  - (c) if it undertakes old age or endowment insurance other than as authorized in sections 254 and 255, or annuities upon lives other than annuities issued as part of or arising directly from contracts of life insurance: or.
- 8. Clause m of subsection 1 of section 3 of The Jurors Act Rev. Stat., as re-enacted by section 1 of The Jurors Amendment Act, 1941, subs. 1. is amended by striking out the word "and" in the first line (1941) and by inserting after the word "surgeon" in the first line amended. the words "pharmaceutical chemist and veterinary surgeon", so that the said clause shall now read as follows:

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(m) Every physician, surgeon, dental surgeon, pharmaceutical chemist and veterinary surgeon qualified to practice, and in actual practice.

Rev. Stat., c. 257, s. 105, repealed.

9. Section 105 of The Loan and Trust Corporations Act is repealed.

Rev. Stat., c. 257, s. 110, subs. 1, re-enacted.

10. Subsection 1 of section 110 of The Loan and Trust Corporations Act is repealed and the following substituted therefor:

Record

- (1) Every corporation having its head office in Ontario shall cause the secretary, or some other officer specially charged with that duty, to keep a book or books wherein shall be kept recorded,-
  - (a) a copy of the letters patent and of any supplementary letters patent issued to the corporation and, if incorporated by special Act, a copy of such Act, and the by-laws of the corporation duly authenticated;
  - (b) the names, alphabetically arranged, of all persons who are and who have been shareholders or members of the corporation;
  - (c) the post office address and calling of every such person while he is a shareholder or member;
  - (d) the names, post office addresses and callings of all persons who are or have been directors of the corporation, with the date at which each person became or ceased to be such a director:
  - (e) the number of shares held by each shareholder;
  - (f) the amounts paid in, and remaining unpaid, respectively, on the shares of each shareholder; and
  - (g) the date and other particulars of all transfers of shares in the order of the making of such transfers.

Books to be kept at head Penalty.

- (1a) The books mentioned in subsection 1 shall be kept at the head office of the corporation within Ontario.
- (1b) Any director, officer or employee of a corporation who removes or assists in removing such books from Ontario or who otherwise contravenes the provisions of this section shall incur a penalty of \$200.

- (1c) Upon necessity therefor being shown and adequate Relief from assurance given that such books may be inspected of section. within Ontario by any person entitled thereto after application for such inspection to the Registrar, the Lieutenant-Governor in Council may relieve any corporation from the provisions of this section upon such terms as he may see fit.
- 11. Subsection 14 of section 65 of *The Surrogate Courts Act* Rev. Stat. is amended by striking out the word "country" in the seventh subs. 14. line and inserting in lieu thereof the word "county", so that amended. the said subsection shall now read as follows:
  - (14) The provisions of the rules of the Supreme Court so Rules of far as the same are applicable shall apply to every Court shall application for such commission or order for ex-apply. amination; the issue, execution, enforcement and return thereof and the judge shall have power to award costs of all such proceedings according to the tariff in force from time to time for like services in county courts.
- 12. The Surrogate Courts Act is amended by striking out Rev. Stat., the heading "ANCILLARY PROBATES AND LETTERS OF AD-amended, MINISTRATION" immediately preceding section 72 and inserting lieu thereof the heading "Resealing Probates and Letters of Administration".
  - 13. Every person,—

Allowance to magistrates.

- (a) who on the 30th day of June, 1941, held the position of magistrate on a full time basis;
- (b) whose salary was or is paid by the Province;
- (c) who pursuant to the provisions of *The Magistrates* 1941, c. 28. *Amendment Act*, 1941, has ceased or hereafter ceases to hold office; and
- (d) who is not entitled to any allowance under the super-Rev. Stat. annuation provisions of The Public Service Act,

shall from the date upon which he ceased or ceases to hold office receive an allowance of seventy-five dollars per month payable out of the Consolidated Revenue Fund.

14. This Act may be cited as The Statute Law Amendment Short title. Act, 1944.



## CHAPTER 59.

# An Act to provide for the Establishment of the Ontario Stock Yards Board.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

# 1. In this Act.-

Interpre-

- (a) "Board" shall mean Ontario Stock Yards Board; "Board"
- (b) "land" shall include any estaté, term, easement, "land"; right or interest in, to, over or affecting land;
- (ε) "manager" shall mean manager appointed under this "manager". Act;
- (d) "Minister" shall mean Minister of Agriculture; and "Minister":
- (e) "regulations" shall mean regulations made under this "regulations".
- 2.—(1) There shall be a board to be known as the "Ontario Ontario Stock Yards Board" which shall be a body corporate and the Board. Board shall have a corporate seal in the form prescribed by the regulations.
- (2) The Board shall consist of not more than seven persons Memberappointed by the Lieutenant-Governor in Council.
- (3) The Lieutenant-Governor in Council may appoint one Charmator of the members of the Board to be chairman and one of the charmator members to be vice-chairman.
- (4) A majority of the members of the Board shall constitute Quorum, a quorum,
- (5) The members of the Board shall receive such fees and Allowanes expenses as the Lieutenant-Governor in Council may deter-expenses. mine and any member of the Board who is charged with the performance of any special services may be paid such additional

remuneration therefor as the Lieutenant-Governor in Council may determine.

Officers.

3.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may appoint a manager of any stock yard which it operates and such officers as may be prescribed by the regulations and fix their remuneration and the appointment of any person as a manager or other officer shall not disqualify him from acting as chairman, vice-chairman or a member of the Board.

Employees.

Remunera-

(2) Subject to the approval of the Board, the manager of a stock yard may appoint such employees as he deems necessary and fix their salaries or other remuneration.

Objects of

- 4. The objects of the Board shall be to,-
  - (a) acquire, construct, equip and operate livestock markets and acquire and operate such facilities for the transportation of livestock as may be necessary for the purposes of such markets; and
  - (b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings,

Rev. Stat., c. 251. and the Board shall have the objects and powers set out in section 24 of *The Companies Act*.

Acquiring . land, etc.

- **5.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board.—
  - (a) shall have power to acquire by purchase, lease or in any other manner or without the consent of the owner thereof to enter upon, take possession of, expropriate and use,
    - (i) the land, property, assets and undertakings of Union Stock Yards of Toronto, Limited;
    - (ii) the land, property, assets and undertakings of any other stock yards;
    - (iii) any other land or property which it may deem necessary for its undertakings, and
  - (b) shall have and may exercise and enjoy in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Public Works in relation to a public work by The Public Works Act and in the application of this section where the words "the Minister", "the Department" or "the Crown" appear in such Act, they shall, where the context permits, mean the Board.

Rev. Stat., c. 54.

- (2) Upon the deposit in the proper registry or land titles Node of office of a plan and description of the land acquired by the title. Board, signed by the chairman of the Board and by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Board.
- (3) Except as otherwise provided in this Act the Board Procedure, shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.
- (4) No action or proceeding of the Board taken pursuant Exercise to this section shall be restrained by injunction or process or not to be proceeding in any court.
- **6.**—(1) The Lieutenant-Governor in Council may authorize of Ontario the Treasurer of Ontario for and on behalf of Ontario to may guarantee the payment of any securities issued by the Board, securities
- (2) The form of any such guarantee and the manner of its Form of execution shall be determined by the Lieutenant-Governor in Council.
- 7.—(1) All moneys received by the Board from the opera-Application of its undertakings or otherwise shall be applied to,—
  - (a) operating expenses;
  - (b) payment of interest on indebtedness; and
  - (c) repayment of principal moneys borrowed.
- (2) Any surplus moneys shall be paid to the Treasurer of Surplus Ontario and deposited in the Consolidated Revenue Fund, and shall constitute a fund to be known as the Livestock Improvement Fund appearing on the books of the Treasurer of Ontario as the Livestock Improvement Fund.
- (3) The Livestock Improvement Fund shall be available Payments for the purpose of the improvement of livestock and for such purpose the Minister may with the approval of the Lieutenant-Governor in Council direct payment out of the Fund of such amounts to such persons or organizations as he may deem proper.
- 8. The Board shall, not later than the 31st day of January Annual report in every year, make an annual report to the Minister upon its Board, operations during the preceding year and such report shall be laid before the Assembly as soon as may be.

8 Geo. VI.

Audit.

9. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario.

Authority to sue and be sued.

10. The Board may be sued and may institute or defend proceedings in any court.

Taxation.

11. The real and personal property, business and income of the Board shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature but, with the approval of the Lieutenant-Governor in Council, any land owned by the Board may be made subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality, or at such value as may be agreed upon by the council of the local municipality and the Board.

Operation of stock vards.

12. No person other than the Board shall construct, maintain or operate any stock yard or any premises where livestock is assembled for the purpose of sale either directly or indirectly to an abattoir, packing house or slaughter house except with the approval of the Board, but this section shall not apply to any such stock yard or premises which is being so operated at the time of the coming into force of this Act so long as such stock vard or premises is not extended or enlarged.

Regulations.

- **13**. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,-
  - (a) prescribing the officers of the Board and prescribing the powers and duties of such officers and of any manager;
  - (b) prescribing the form of the seal of the Board;
  - (c) limiting or regulating the objects and powers of the Board or the exercise thereof:
  - (d) prescribing the records, books and accounts to be kept by the Board; and
  - (e) generally for the better carrying out of the intent and purpose of this Act.

Commence-ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as The Stock Yards Act, 1944. 4

## CHAPTER 60.

An Act to amend The Sugar Beet Subsidy Act, 1943.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 of section 2 of *The Sugar Beet Subsidy* 1943. c. 30. Act, 1943, is amended by inserting after the word "exceeding" amended. in the second line the words "one dollar and" so that the said subsection shall now read as follows.—
  - (2) The amount of the subsidy shall be fixed by the Amount of Lieutenant-Governor in Council at an amount not subsidy. exceeding one dollar and fifty-five cents for each ton of sugar beets.
- 2. Notwithstanding anything contained in section 6 of 1943, c. 30, The Sugar Beet Subsidy Act, 1943, all the other provisions of the inforce said Act shall continue in force and have effect until the 31st day of March, 1945.
- 3. This Act shall come into force on the day upon which it Commence-receives the Royal Assent and shall have effect as from the ment of Act. 1st day of April, 1944, and shall remain in force and have effect until the 31st day of March, 1945.
- 4. This Act may be cited as The Sugar Beet Subsidy Act, short title. 1944.



#### CHAPTER 61

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1945.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

Most Gracious Sovereign:

WHEREAS it appears by message from the Honourable Preamble. Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1945, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

- 1. From and out of the Consolidated Revenue Fund of \$70,334, this Province, there may be paid and applied a sum not granted for exceeding in the whole seventy million, three hundred and fiscal year forty-four thousand, eight hundred and four dollars and thirty cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1944, to the 31st day of March, 1945, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.
- 2. Accounts in detail of all moneys received on account of to be laid this Province during the financial year 1944-45 and of all perfore expenditures under schedule A of this Act shall be laid Assembly. before the Legislative Assembly at the first sitting after the completion of the said financial year.
- **3.** Any part of the money under schedule A appropriated Approximations for by this Act out of the Consolidated Revenue, which may be unexpended to lapse.

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unexpended on the 31st day of March, 1945, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat., c. 24.

Accounting for 5. The due application of all moneys expended under this expenditure. Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commencement of Act

**6.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### SCHEDULE A

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-five to defray expenses of:

Agriculture Department\$2,478,379.75
Attorney-General's Department. 3,137,845.00
Education Department14,077,105.00
Game and Fisheries Department. 680,000.00
Health Department
Highways Department 1,075,800.00
Insurance Department 64,100.00
Labour Department 437,231.55
Lands and Forests Department. 3,112,081.00
Legislation
Lieutenant-Governor's Office 10,175.00
Mines Department 364,250.00
Municipal Affairs Department. 149,822.00
Planning and Development De-
partment
Primé Minister's Department 123,225.00
Provincial Auditor's Office 118,500.00
Provincial Secretary's Depart-
ment
Provincial Treasurer's Depart-
ment
Public Welfare Department25,344,675.00
Public Works Department 1,300,100.00
Miscellaneous
Miscenaneous

Total estimates for expenditure of 1944-1945.....\$70,344,804.30



#### CHAPTER 62.

# An Act to amend The Surveys Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 28 of *The Surveys Act* is amended by adding Rev. Stat., thereto the following subsection:
  - (2a) Where in accordance with this Act an aliquot part Aliquot of a lot in a concession in a township is the aliquot part of lot. part of the area of the lot any boundary of such aliquot part not surveyed prior to the 1st day of July, 1944, shall be run on the same course as is required in the case of a side line of the lot not run in the original survey, or parallel to a straight line joining the front corners of the lot, as the case may be, but where in such latter case the front of the lot is broken at either end by a lake, river or natural boundary the unsurveyed boundaries of the aliquot part shall be run parallel to the straight line joining the rear corners of the lot, and where the rear boundary of the lot is also broken at either end by a river, lake or other natural boundary then the unsurveyed boundaries of the aliquot part shall be run on the astronomic course of the part of the concession line in front of the lot as stated in the original field notes, or if such course was not stated in the original field notes, then they shall be run on the astronomic course intended for such concession line or part of concession line according to the instructions for the original survey of the township.
- 2. This Act may be cited as The Surveys Amendment Act, Short title. 1944.



#### CHAPTER 63.

#### An Act to confirm Tax Sales.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follow:

- 1.-(1) All sales of land held prior to the 1st day of January, Tax sales 1943, and purporting to have been made for arrears of taxes  $\frac{3}{6}$  eds conpayable to a municipal corporation or to the school board of a firmed school section in an unorganized township, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by The Assessment Act and Rev. Stat. purporting to convey such land to the purchaser thereof, c. 2 his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.
- (2) Subsection 1 shall have force and effect with respect to Applicaall such sales of land held and all such conveyances executed section. on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 2 of section 178 of The Assessment Act and a statutory declaration of the trea-Rev. State, surer as to such compliance shall be conclusive proof thereof.
- (3) The statutory declaration mentioned in subsection 2 statutory shall be affixed to and form part of the tax deed from the numicipal corporation to the purchaser of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

1

Conveyance to former owner, etc.

Rev. Stat.,

(4) Notwithstanding the provisions of this or any other Act, where the land which has been sold for taxes has been purchased by the municipal corporation and the period for redemption has expired and where such land has not been sold or conveyed by the municipal corporation, any person to whom notice was sent under subsection 2 of section 178 of *The Assessment Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land from the municipal corporation upon payment to the treasurer thereof of the full amount which would have been payable in respect of taxes had the land not been sold for taxes, together with the costs in connection with such sale

Registered tax arrears certificates confirmed. Rev. Stat., c. 59. and of such conveyance.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1943, that purports to have been registered pursuant to The Department of Municipal Affairs Act and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of such registration the land therein described in the corporation of the municipality in which the land is situate, its successors and assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Application of section.

(2) Subsection 1 shall have force and effect with respect to all such certificates registered on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 4 of section 43 of *The Department of Municipal Affairs Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Rev. Stat., c. 59.

declaration.

(3). The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the deed of conveyance from the municipal corporation to the purchaser of the land in respect of which the declaration was made and where the deed of conveyance has been registered the treasurer shall deposit the declaration in the proper registry or land titles office.

(4) Notwithstanding the provisions of this or any other

Conveyance to former owner,

etc.

Act, where the land with respect to which a tax arrears certificate has been registered has become vested in the municipal corporation and the period for redemption has expired and where such land has not been sold or conveyed by the municipal corporation, any person to whom notice was sent under subsection 4 of section 43 of *The Department of Municipal Affairs Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land from the municipal corporation upon payment

Rev. Stat., c. 59. to the treasurer thereof of the full amount which would have been payable in respect of taxes had the land not become vested in the municipal corporation, together with the costs in connection with such vesting and of such conveyance.

- 3. Every redemption certificate registered prior to the 1st Registered day of January, 1944, and purporting to have been registered certificates pursuant to The Department of Municipal Affairs Act, and confirmed. the registration thereof, are hereby confirmed and declared to c. 59. be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.
- 4. Every vacating certificate registered prior to the 1st day Registered of January, 1944, and purporting to have been registered certificates pursuant to The Department of Municipal Affairs Act, and confirmed the registration thereof, are hereby confirmed and declared to Rev. Stat., be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.
- 5. This Act shall not affect or prejudice any right of any Pending person in any action, litigation or other proceeding now not affected. pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.
- 6. This Act shall not affect or defeat the Crown with respect Saving as to to its interest in any land which, or any interest in which, Crown. has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.
- 7. This Act may be cited as The Tax Sales Confirmation Short title. Act. 1944.



#### CHAPTER 64.

# An Act to provide for the Establishment of the Ontario Teachers' Federation.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act,-

Interpre-

- (a) "Board of Governors" shall mean Board of Governors "Board of of the Federation;
- (b) "Department" shall mean Department of Education; "Department"
- (c) "executive" shall mean executive of the Federation; "executive":
- (d) "Federation" shall mean Ontario Teachers' Federa-"Federation";
- (e) "member" shall mean member of the Federation: "member":
- (f) "Minister" shall mean Minister of Education; "Minister":
- (g) "regulations" shall mean regulations made under this "regulations";
- (h) "teacher" shall mean a person who is legally qualified "teacher": to teach in a public school, separate school, continuation school, high school, collegiate institute or vocational school and is under contract to teach in such a school but shall not include an inspector, an instructor in a teacher-training institution or a person employed to teach in a school for a period not exceeding one month; and
- (i) "board of trustees" shall mean board of education, "board of board of high school trustees, board of public school trustees or board of separate school trustees.
- 2. There shall be a federation of teachers to be known as Body The Ontario Teachers' Federation which shall be a body corporate.

3.

Objects

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- 3. The objects of the Federation shall be,-
  - (a) to promote and advance the cause of education;
  - (b) to raise the status of the teaching profession;
  - (c) to promote and advance the interests of teachers and to secure conditions which will make possible the best professional service;
  - (d) to arouse and increase public interest in educational affairs; and
  - (e) to co-operate with other teachers' organizations throughout the world having the same or like objects.

Membership in Federation.

- **4.** Every teacher shall be a member of the Federation, provided that a person who is a teacher at the time of the coming into force of this Act may withdraw from membership by notifying the Minister and the secretary of the Board of Governors of his withdrawal by registered letter posted not later than six months after the coming into force of this Act.
- Board of Governors.
- The Board of Governors shall consist of not more than forty members.

Executive.

**6.**—(1) There shall be an executive consisting of the immediate past president, a president, first vice-president, second vice-president, secretary and treasurer.

Election, president, vicepresidents. (2) The president, first vice-president and second vice-president shall be elected annually by the Board of Governors from amongst themselves.

Election, -secretary, treasurer.

- (3) The secretary and treasurer may be elected by the Board of Governors from amongst themselves or may be appointed by the Board of Governors from amongst themselves or otherwise and shall receive such remuneration out of the funds of the Federation as may be determined by the Board of Governors.
- Functions of executive. 7. The executive shall be responsible for carrying on the business of the Federation and may,—
  - (a) subject to the approval of the Minister, acquire and hold in the name of the Federation such real and personal property as may be necessary for the purposes of the Federation and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;

(b) invest the funds of the Federation in any securities in which a trustee is authorized to invest money in his hands under *The Trustee Act*;

Rev. Stat.,

- (c) make such grants as it deems advisable to organizations having the same or like objects as the Federation.
- 8. In the interests of the advancement of education and Conferences, the improvement of teaching conditions in Ontario, the Board of Governors shall meet annually and confer with the Minister and the senior officials of the Department on matters touching and concerning the objects of the Federation, and the Board of Governors shall at such meeting and may at any other time make such representations and recommendations either of a general nature or which relate to any particular school, teacher or matter as it deems advisable and as are in keeping with the objects of the Federation.
- **9**. The prescribed membership fee shall be deducted by Collection the board of trustees from the salary of each teacher for the month of November or for the first month thereafter in which the teacher begins a term of employment and shall be forwarded to the treasurer of the Federation.
- 10. Subject to the approval of the Lieutenant-Governor in Regulations Council, the Board of Governors may make regulations,—
  - (a) prescribing a code of ethics for teachers;
  - (b) prescribing the fees to be paid by members of the Federation:
  - (c) providing for the suspension and expulsion of members from the Federation and other disciplinary measures:
  - (d) prescribing the manner in which the members of the Board of Governors shall be selected:
  - (e) providing for the holding of meetings of the Board of Governors and of the executive and prescribing the manner of calling and the notice to be given in respect of such meetings;
  - (f) prescribing the procedure to be followed at meetings of the Board of Governors and of the executive:
  - (g) providing for the payment of necessary expenses to the members of the Board of Governors and the executive:

8 Geo. VI.

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- (h) conferring powers upon or extending or restricting the powers of and prescribing the duties of the Board of Governors and of the executive:
- (i) providing for the appointment of standing and special committees: and
- (i) providing for the establishment of branches of the Federation or of the recognition by the Federation of local bodies, groups or associations of teachers which shall be affiliated with the Federation.

First Board of Sovernors.

11.—(1) The first Board of Governors shall consist of Roy F. Bennett, Brantford; Lawrence D. McCamus, London; Helen M. Sheppard, North Bay; Mary A. Macdonald, Roger St. Denis, Adelard Gascon and Lawrence Kennedy Poupore, all of Ottawa; Winston Davies, St. Catharines; Harriett Emma Carr, Agnes Meek, John W. Cawood, Clare R. Fallis, Stanley Hunter Henry and Norman McLeod, all of Toronto; and Margaret Lynch and Edward Arnold Orr of Windsor.

Meetings: powers;

(2) The first Board of Governors shall hold its meetings at such time and place as may be determined by the Minister and, subject to any direction of the Minister, may exercise such powers and shall perform such duties as may appear requisite for the due carrying out of the provisions of this Act.

Commence-

12. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

13. This Act may be cited as The Teaching Profession Act. 1944.

#### CHAPTER 65.

An Act to amend The Transportation of Fowl Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 7 of *The Transportation of Fowl Act* is amended Rev. State by inserting after the word "and" where it occurs the second amended time in the sixth line the words "whether or not he is transporting fowl, he", so that the said section shall now read as follows:
  - 7. The holder of a permit shall carry with him at all When permit times when he is transporting fowl his permit and a book to be corred are:

    book in which he shall enter at the time he receives produced: them the number and kind of fowl and the name and address of the person from whom he received them, and to whom he is to deliver them, and in case of a purchase the price paid and, whether or not he is transporting fowl, he shall produce the permit and the book when required by a constable or peace officer.
- 2. This Act may be cited as The Transportation of Fowl Short tit.s. Amendment Act, 1944.



#### CHAPTER 66.

#### An Act to amend The Trustee Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 48 of *The Trustee Act* is amended by adding Rev. Stat., thereto the following subsections:

  8. 48.
  - (2) Where a personal representative pays more to a Over-pays-creditor or claimant than the amount to which he is creditor, entitled under the provisions of subsection 1, such overpayment shall not entitle any other creditor or claimant to recover more than the amount to which he would be entitled if such overpayment had not been made.
  - (3) Where a personal representative pays more to a Relief from creditor or claimant than the amount to which he is liability, entitled under the provisions of subsection 1, the court may relieve the personal representative either wholly or partly from personal liability if it is satisfied that he has acted honestly and reasonably and for the protection or conservation of the assets of the estate.
- 2. This Act may be cited as The Trustee Amendment Act, short 1944.



#### CHAPTER 67

# An Act respecting Wartime Housing.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act "taxes" shall mean taxes for every purpose Taxes of the municipality including the sums required by law to be defined, provided by the council for school purposes and for any board, commission or other body.
- 2. Notwithstanding any other Act, the council of a local wartime municipality may by by-law authorize an agreement between Housing. The municipal corporation and Wartime Housing Limited agreements on such terms and conditions as the council may deem proper for fixing the amount of money that shall be paid annually during the life of the agreement by Wartime Housing Limited to the municipality in lieu of taxes that would otherwise be payable in respect of the real property of Wartime Housing Limited occupied by tenants; provided that such amount shall not be less than \$24 in respect of each two-bedroom house, \$30 in respect of each more than two-bedroom house and \$150 in respect of each staff-house.
- 3. The by-law mentioned in section 2 shall require the Condition affirmative vote of three-quarters of all the members of the of by-law.
- 4. The agreement mentioned in section 2 shall provide for Termination of the shall occur not later than six months agreement, after the day named by the Lieutenant-Governor by his proclamation as the day upon which actual hostilities between Canada and Germany and Japan shall for the purposes of this Act be deemed to have ceased.
- 5. Notwithstanding any other Act, every board, commis-boards, sion or other body for which the council is by law required to provide money or levy rates shall be bound by the agreement mentioned in section 2.

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Distribution of money.

**6.** The money mentioned in section 2 shall be distributed by the council to each of the bodies for which the council is required by law to levy rates in the same proportion as the levy of each of such bodies bears to the total levy.

Application to Municipa Board. 7. Where any such body is not satisfied that the distribution made by the council under section 6 was made in accordance with law, such body may apply to the Ontario Municipal Board for an order varying such distribution.

Powers of Board.

**8.** Upon an application under section 7 the Board may confirm or vary the distribution provided for in section 6 and the order of the Board thereon shall be final and binding.

County

**9.** Where the assessments of the real property mentioned in section 2 have been included in the valuation of the municipality for the purposes of county equalization, the equalized assessment shall be decreased by the amount of such assessments and the county rate reduced accordingly.

Right to vote not affected.

10. The right to vote of the tenants of Wartime Housing Limited shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner as though this Act had not been passed.

Conflict.

11. In the event of a conflict between the provisions of this Act and any other Act the provisions of this Act shall prevail.

1942, c. 34, s. 42, repealed.

12. Section 42 of The Statute Law Amendment Act, 1942, is repealed.

Retroactive

**13.** This Act shall be deemed to have come into force on the 24th day of February, 1941.

Short title.

14. This Act may be cited as The Wartime Housing Act, 1944.

1944.

#### CHAPTER 68.

### An Act to amend The Weed Control Act.

Assented to March 14th, 1944. Session Prorogued April 6th, 1944.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:-

- 1. Section 18 of *The Weed Control Act* and the Schedule to Rev. Stat., o. 344, s. 18, and schedule repealed. the said Act are repealed.
- 2. This Act may be cited as The Weed Control Amendment Short title. Act, 1944.



#### CHAPTER 69.

# An Act to amend The Workmen's Compensation Act.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Clause f of subsection 1 of section 1 of The Work-Rev. Set. men's Compensation Act is amended by inserting after the suits, word ''industry'' in the fourth line the words "and shall amended, include the Crown in right of the Province and any permanent board or commission appointed by the Province'', so that the said clause shall now read as follows:
  - (f) "employer" shall include every person having in his "employer". service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about an industry and shall include the Crown in right of the Province and any permanent board or commission appointed by the Province, and where the services of a workman are temporarily lent or hired to another person by the person with whom the workman has entered into such a contract the latter shall be deemed to continue to be the employer of the workman whilst he is working for that other person.
- (2) Subsection 2 of the said section 1 is amended by Rec. Stat., adding at the end of clause e the words "except a rural school subset." I board" and by striking out all the words after the word "mended. "board" in the twelfth line, so that the said subsection shall now read as follows:
  - (2) The exercise and performance of the powers and Municipal duties of,—
    - (a) a municipal corporation;
    - (b) a public utilities commission;

- (c) any other commission having the management and conduct of any work or service owned by or operated for a municipal corporation;
- (d) the board of trustees of a police village; and
- (e) a school board except a rural school board,

shall for the purposes of Part I be deemed the trade or business of the corporation, commission, board of trustees or school board.

Rev. Stat., c. 204, s. 8. amended. 2. Section 8 of The Workmen's Compensation Act as amended by section 1 of The Workmen's Compensation Amendment Act, 1939, and section 2 of The Workmen's Compensation Act, 1943, is further amended by adding thereto the following subsection:

Damages.

(6) In any action brought by a workman or dependant of a workman in any case within the provisions of subsection 1 and one or more of the persons found to be at fault or negligent is the employer of the workman, whether in Schedule 1 or Schedule 2, or any other employer in Schedule 1, or any workman of any employer in Schedule 1, no damages, contribution or indemnity shall be recoverable for the portion of the loss or damage caused by the fault or negligence of such employer of the workman, whether in Schedule 1 or Schedule 2, or of any other employer in Schedule 1, or of any workman of any employer in Schedule 1, and the portion of the loss or damage so caused by the fault or negligence of such employer of the workman, whether in Schedule 1 or Schedule 2, or by any other employer in Schedule 1, or by the workman of any employer in Schedule 1 shall be determined although such employer or workman is not a party to the action.

Rev. Stat., c. 204, s. 14, subs. 1, amended.

3. Subsection 1 of section 14 of *The Workmen's Compensation Act* as amended by section 5 of *The Workmen's Compensation Act*, 1943, is further amended by inserting after the word "him" in the fifth line the words "or any industrial disease contracted by him", so that the said subsection shal now read as follows:

Provisions of Act in lieu of all rights of action against employer. (1) The provisions of this Part shall be in lieu of all rights and rights of action, statutory or otherwise, to which a workman or the members of his family are or may be entitled against the employer of such workman for or by reason of any accident happening to him or any industrial disease contracted by him on or after the 1st day of January, 1915, while in the employment of such employer, and no action in respect thereof shall lie.

- **4.** Clause f of subsection 1 of section 35 of  $The\ Workmen's\ Rev.\ Stat.\ Compensation\ Act$  as enacted by subsection 3 of section 6 of subs. 1. The  $Workmen's\ Compensation\ Act$ , 1943, is amended by c. 17, a. 6 striking out the words "approaching the age of sixteen years" subsection 3 of section 3 of section 6 of subs. 1. The  $Compensation\ Act$ , 1943, is amended by c. 17, a. 6 striking out the words "approaching the age of sixteen years" subsection 1 of section 3 of section 6 of subsection 3 of section 6 of subsection 6 of subsection 6 of subsection 7 of subsection 7 of subsection 9 of subsection 8 of section 6 of subsection 7 of subsection 9 of sub
  - (f) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on application extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years.
- 5.—(1) Subsection 1 of section 50 of The Workmen's Com-Rev. Stat. pensation Act as amended by section 3 of The Workmen's s. 50. Compensation Amendment Act, 1939, is further amended by amended inserting after the word "services" in the sixth line the words "and in the discretion of the Board where a workman is rendered helpless through permanent total disability such other treatment, services or attendance", so that the said subsection shall now read as follows:
  - (1) Every workman entitled to compensation under this Medical and Part, or who would have been so entitled had he during been disabled for seven days, shall be entitled to disability. Such medical, surgical and dental aid, the aid of drugless practitioners registered under The Drugless Rev. Stat. Practitioners Act, and hospital and skilled nursing services and in the discretion of the Board where a workman is rendered helpless through permanent total disability such other treatment, services or attendance as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.
- (2) Subsection 2 of the said section 50 is amended by in-Rev. Stat., serting after the word "services" in the fourth line the words subs. 2. "and where a workman is rendered helpless through permanent total disability such other treatment, services or attendance", so that the said subsection shall now read as follows:

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"Medical aid", meaning of Rev. Stat., c. 229.

(2) In this Act "medical aid" shall mean the medical, surgical and dental aid, the aid of drugless practitioners registered under The Drugless Practitioners Act, and hospital and skilled nursing services and where a workman is rendered helpless through permanent total disability such other treatment, services or attendance and the artificial member or members and apparatus and repair above mentioned.

Rev. Stat, c. 204, s. 84, subs. 1, amended.

- **6.** Subsection 1 of section 84 of *The Workmen's Compensation Act* is amended by adding thereto the following clause:
  - (d) exclude any trade, employment, occupation, calling, avocation or service from any industry for the time being included under Part I or at any time brought under Part I.

Rev. Stat., c. 204, s. 105, amended. **7.** Section 105 of *The Workmen's Compensation Act* as amended by section 4 of *The Workmen's Compensation Amendment Act*, 1939, and by section 3 of *The Workmen's Compensation Amendment Act*, 1942, is further amended by striking out all the words added by the amendment of 1939 and inserting in lieu thereof the words "or in securities issued by the Dominion of Canada or in securities the payment of which is guaranteed by it", so that the said section shall now read as follows:

Formation of reserves

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it or in securities the payment of which is guaranteed by it.

Rev. Stat., c. 204, s. 115, subs. 11, repealed. **8.**—(1) Subsection 11 of section 115 of *The Workmen's Compensation Act* as amended by subsection 2 of section 5 of *The Workmen's Compensation Amendment Act*, 1939, is repealed.

Rev. Stat., e. 204, s. 115, subs. 13, amended. (2) Subsection 13 of the said section 115 is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "two", so that the said subsection shall now read as follows:

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- (13) Nothing in this Act shall entitle a workman or his Condition dependants to compensation, medical aid or pay-compensation ment of burial expenses for disability or death from granted, silicosis unless the workman has been actually exposed to silica dust in his employment in Ontario for periods amounting in all to at least two years preceding his disablement.
- **9.** Section 119 of *The Workmen's Compensation Act* is Rey. Stat., amended by adding at the end thereof the words "and shall s. 119, apply to any employment by or under the Crown in right amended of the Province, including any employment by any permanent board or commission appointed by the Crown in right of the Province", so that the said section shall now read as follows:
  - 119. This Part shall apply only to the industries men-Application tioned in Schedules 1 and 2 and to such industries of Part I. as shall be added to them under the authority of this Part and to employments therein and shall apply to any employment by or under the Crown in right of the Province, including any employment by any permanent board or commission appointed by the Crown in right of the Province.
- 10. Section 124 of *The Workmen's Compensation Act* is Rec. Stat. amended by adding thereto the following subsection:
  - (2) Notwithstanding anything in subsection 1 the indus-Farming try of farming may be brought under the provisions industry, of Part I of the Act by application of the employer pursuant to the provisions of section 88.
- 11. -(1) Paragraph 1 of Schedule 2 of *The Workmen's* Rev. Stat. *Compensation Act* is amended by adding at the end thereof Sched. 2, the words "except a rural school board", so that the said para-amended. graph shall now read as follows:
  - 1. The trade or business, as defined by subsection 2 of section 1, of a municipal corporation, a public utilities commission, any other commission having the management and conduct of any work or service owned by or operated for a municipal corporation, a board of trustees of a police village and a school board, except a rural school board.
- (2) The said Schedule 2 is amended by adding thereto Rev. St. .

  the following paragraph:

  Sched. 2, amended.
  - The Crown in right of the Province and any permanent board or commission appointed by the Province.

Commencement of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent; subsection 2 of section 1 shall apply only to accidents happening on or after the 1st day of January, 1945; and sections 5 and 8 shall apply only to accidents happening on or after the day upon which this Act receives the Royal Assent, and section 4 shall apply without regard to the date of the accident.

Short title.

13. This Act may be cited as The Workmen's Compensation Amendment Act, 1944.

# PART II PRIVATE ACTS

Chapters 70 to 88



#### CHAPTER 70.

An Act respecting the Townships of Anson, Hindon and Minden.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the Townships of Anson Precentible. Minden both in the Provisional County of Haliburton have by their petition prayed for special legislation to confirm a certain order of The Ontario Municipal Board for the amalgamation of the said Townships to form one township under the name of The Townships of Anson, Hindon and Minden; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Order Number P.F. B-1670 of The Ontario Municipal Municipal Board Order Board dated the eleventh day of October, 1943, set out as No. P.F.B.-schedule A hereto, is hereby confirmed.
- 2. The said order shall have effect as from the first day of Effective January, 1945, provided nevertheless that the nominations for conneil, the reeve and members of the council of the amalgamated municipalities for the year 1945 shall be held on the last Monday of December, 1944, and if an election is necessary the poll shall be held on the first Monday of January, 1945.
- 3. This Act shall come into force on the day upon which it commencereceives the Royal Assent.
- 4. This Act may be cited as The Townships of Anson, Short title. Hindon and Minden Act, 1944.

#### SCHEDULE A

P.F. B-1670.

#### (COAT OF ARMS) ONTARIO

THE ONTARIO MUNICIPAL BOARD

Monday, the 11th day of October, A.D. 1943.

BEFORE:

Chairman, and

W. P. NEAR, Esq., B.A.Sc., Vice-Chairman.

R. S. COLTER, Esq., K.C., | In the Matter of Section 23 of "The Municipal Act" (R.S.O. 1937, Chapter 266), (as re-enacted by O.S. 1939, Chapter 30, Section (2), and

> IN THE MATTER of the application by the Corporation of the Township of Minden for the amalgamation of the Townships of Anson and Hindon and Minden,

> AND IN THE MATTER of By-law Number 667 of the Corporation of the Township of Minden.

Upon the Application of the Corporation of the Township of Minden in the presence of:

C. M. Kellett, Esquire, Reeve of the Township of Minden, Fred B. Wright, Esquire, Clerk of the Township of Minden, Allan Hobden, Esquire, Reeve of the Townships of Anson and Hindon, and

Other ratepayers of the said Townships of Minden and of Anson and Hindon,

and upon reading By-law Number 667 of the Council of the Township of Minden passed on the Ninth day of March, 1943, and By-law Number 432 of the Townships of Anson and Hindon passed on the Second day of February, 1943, herein filed with the Board authorizing this Application, and upon hearing what was alleged on behalf of the said Corporations and by the Reeve and Clerks of the said Townships, and upon being satisfied by the Reeve and the Hearing having been given as directed by the Board, and upon holding Public Hearing at the Court Room at Minden in the said Township of Minden on Monday the Eleventh day of October, 1943.

THIS BOARD DOTH ORDER AND PROCLAIM that the Township of Minden and the Townships of Anson and Hindon be and the same are hereby amalgamated to form one Township under the name of the Townships of Anson, Hindon and Minden, and the said amalgamation shall take effect upon and subject to the following terms and conditions, namely:

- Subject to the Provisions of Sections 74, 76, 77, 78 and 79, and other Provisions of The Municipal Act the electors of the amalgamated Municipality shall elect annually on the First Monday in January the Members of the Council who are to be elected, except such as have been elected at the nomination, which nomination shall be held a week earlier than the election, that is to say, on the last Monday of December. The first election shall be held on the First Monday in January, 1945.
- 2. Subject to the Provisions of Sections 59, 62 and 63 of The Assessment Act the Assessor of the amalgamated Municipality shall begin to make his Roll in each year not later than the First day of April and shall complete the same on or before the Thirty-first day of May, and the time for closing the Court of Revisions shall be six weeks from the Thirty-first day of May and the time for final return of the Roll shall be twelve weeks from the Thirty-first day of May.

- 3. ALL THE assets of each of the Municipalities, that is to say, the Township of Minden and Townships of Anson and Hindon shall become and be the property of the amalgamated Municipality and all liabilities of the said Townships shall become and be the liabilities of the said amalgamated Townships.
- 4. This Order of amalgamation shall take effect only if and when confirmed by Act of the Legislature and on the day to be named in such Act.

(Seal) "R. S. COLTER," Chairman.



#### CHAPTER 71.

An Act respecting the Boards of the Baptist Convention of Ontario and Quebec.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the petitioners have by their petition repre-Preumble. sented that by an Act of the Legislature passed in the fifty-second year of the reign of Her late Majesty Queen Victoria entitled An Act respecting the Boards of the Baptist 1889, c. 91. Convention of Ontario and Quebec each of the Boards mentioned in the said Act is given authority to take by gift, devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario, and to alienate the same at pleasure, subject to the provisions of the said Act; that it has been made to appear that the said Boards have acquired real and personal property since the passing of the said Act; and that it is expedient that the said Act be amended as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** -(1) Section 1 of the said Act is amended by striking 1889, out all the words after the word "pleasure" in the fifth line, amended, so that the said section shall now read as follows:
  - (1) Each of the boards mentioned in the said Act Power to of the Parliament of Canada shall have authority to take by gift, devise, purchase or otherwise and to hold and enjoy any real or personal property, lands and tenements in Ontario, and may alienate the same at pleasure.
- (2) The said section 1 is further amended by adding thereto Idem. the following subsections:
  - (2) The powers conferred upon each of the said Boards Powers not by the Act of Parliament of Canada passed in the statutes of fifty-second year of the reign of Her late Majesty mortmain.

    Queen Victoria, entitled An Act respecting the Baptist [Sanada, 105].

8 Geo. VI.

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Convention of Ontario and Quebec, or by this Act, to acquire by gift, devise, purchase or otherwise any real or personal property, shall not be limited or affected by any statute or statutes of mortmain in force in this Province.

Application of gifts, etc.

(3) Any and all real and personal property heretofore or hereafter acquired by any of the said Boards, and the proceeds thereof may be applied to and for such of the purposes of the said Boards respectively as from time to time may be designated by the said Convention, subject only to the terms of any deed or will by which any real or personal property shall have been or may hereafter be acquired.

Short title. 2. This Act may be cited as The Babtist Convention Act. 1944.

#### CHAPTER 72.

# An Act respecting the City of Brantford.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the City of Brantford, Preamble, hereinafter called the Corporation, has by its petition represented that the council of the Corporation did on the 6th day of December, 1943, submit the following question to the electors of the municipality.—

Are you in favour of a Public Utilities Commission composed of the Mayor and five (5) other members elected annually one from each Ward in the City?

when out of 4832 electors voting on the question, 2673 voted in the affirmative and 2159 in the negative; that as the vote is favourable the Corporation desires to have The Public Utilities Commission consist of the mayor and five other members; and whereas the Corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Notwithstanding section 3 of *The City of Brantford* Public Utilities Act, 1934, and section 37 of *The Public Utilities Act*, it shall Commission be lawful for the council of the Corporation to provide by constitution by-law or by-laws that The Public Utilities Commission of of the City of Brantford shall on and after the 1st day of January, 1934, c. 68, 1945, consist of six members, of whom the head of the council Rev. Stat., shall ex officio be one and the remaining five shall be elected at the same time and place and in the same manner as the members of the council, one for each ward in the City.
- 2. If a by-law is passed under section 1, then the members Present of the Public Utilities Commission elected at the annual soners. elections held in 1942 and 1943, and any others appointed in their place and stead shall cease to hold office on the 31st day of December, 1944, unless elected for a further term under this Act.
  - 3. This Act may be cited as The City of Brantford Act, 1944. short title.



An Act to incorporate the Capuchin Fathers of the Belgian Province in Canada.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

HEREAS the Capuchin Fathers of the Belgian Province Preamble. in Canada have by their petition represented that a religious order or association of ecclesiastics of the Roman Catholic faith in possession of its canonical status and known under the name "Capuchin Fathers of the Belgian Province in Canada" has been in existence since 1927 at Blenheim in the Province of Ontario; that among its objects is the establishment of convents and novitiates of the order and the conduct and establishment of churches and parishes in the Province of Ontario; and that it now has a convent and novitiate in Blenheim and administers parishes in the said Province; and whereas the order or association is desirous of better systematizing and organizing its work as outlined above; and whereas the order or association, through the officers and members undermentioned, has by its petition set forth that incorporation in the Province of Ontario would enable it to attain its objects more effectively; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Victor Roets, Constantin Van Gool, Leopold Constandt Incorporaand such other persons who are now or who may hereafter become members of such order or association, shall be and are hereby constituted and declared to be a body corporate and politic under the name "Capuchin Fathers of the Belgian Province in Canada".
- 2. The three persons named in section 1 shall be the Provisional provisional directors of the corporation, and shall hold office until their successors in office have been chosen according to the by-laws of the corporation.
- 3. The directors may for and on behalf of the corporation, By-laws, if deemed expedient, from time to time make by-laws not contrary to law for:

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- (a) the administration, management and control of the property, undertakings, business and other temporal affairs of the corporation:
- (b) the appointment, term of office, functions, duties and remuneration of all members, officers, agents and servants of the corporation and their successors;
- (c) the admission of members to and their dismissal from the corporation;
- (d) generally for the carrying out of the objects and purposes of the corporation.

Perpetual succession.

**4.**—(1) The corporation shall have perpetual succession and a common seal.

Powers.

(2) The corporation may contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatsoever in this province, and by the corporate name may from time to time and at all times hereafter purchase, take, hold, receive, possess, retain and enjoy property, real and personal, corporeal and incorporeal whatsoever, and for any and every estate or interest therein whatsoever given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it in any manner or way whatsoever, to, for or in favour of the uses of the corporation, or to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of, or in connection with the uses or purposes of the corporation.

Idem.

5. The corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real or personal property held by it, whether by way of investment for the uses and purposes of the corporation or not, and may also from time to time invest all or any of its funds or moneys and all or any funds or moneys invested in or acquired by it for the uses and purposes aforesaid, in and upon any security by way of mortgage, hypothec, or charge upon real or personal property; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made or executed directly to the corporation, or to any corporation, body, company or person in trust for it, and may sell, grant, assign or transfer such mortgages or assignments either wholly or in part.

Execution of deeds, etc

**6.** Any deed, transfer, mortgage, charge or other instrument relating to or dealing with real estate or any interest therein of the corporation shall be deemed to be and shall be

duly executed and shall be sufficient for the purposes for which it is intended, if there are affixed thereto the seal of the corporation and the signature of two directors of the corporation.

- The corporation may from time to time for its pur-Further poses,—
  - (a) borrow money upon the credit of the corporation;
  - (b) limit or increase the amount to be borrowed:
  - (c) make, draw, accept, endorse, or become party to promissory notes drawn, accepted or endorsed by the corporation and countersigned by the proper party thereto authorized by the by-laws of the corporation and such notes shall be binding upon the corporation and be presumed to have been made, drawn, accepted or endorsed with the proper authority until the contrary is shewn, and it shall not be necessary in any case to have the seal affixed to any such bill or note;
  - (d) mortgage, hypothecate or pledge the real or personal property of the corporation, or both, to secure any money borrowed for the purposes of the corporation.
- **8.** The annual rental value of the real estate held by or Maximum in trust for the corporation, excepting such property as is value of real necessary for the actual carrying on of the work of the corporation, shall not exceed fifteen thousand dollars.
- 9. The corporation shall have full power and authority Further in any manner not contrary to law;—
  - (a) to acquire, establish, erect, equip, maintain and conduct churches, parishes, convents, novitiates or establishments of the order or association within the Province of Ontario and to nominate and appoint managers of the same.
  - (b) to appoint officers, administrators and attorneys and to define their powers, and to nominate an attorney or attorneys not being members of the corporation;
    - (c) to erect, in connection with or adjacent to its convent or convents, chapels to which the general public may be admitted;
    - (d) to establish a vault or cemetery on the property of any of its convents for the purpose of depositing therein the remains of its deceased members, pro-

8 Geo. VI.

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vided such burial places are established and maintained in accordance with the provisions of the by-laws of any municipality in which they may be situate and in accordance with the laws and regulations of the province governing the burial of the dead:

(e) generally to exercise all such powers as are necessary for the carrying out of the objects and purposes of the corporation.

Statement to Provincial Secretary.

10. The corporation shall, at all times, whenever required by the Lieutenant-Governor in Council so to do, render an account in writing of its property and affairs to the Provincial Secretary.

Short title. 11. This Act may be cited as The Capuchin Fathers of the Belgian Province in Canada Act, 1944.

## CHAPTER 74.

An Act respecting the County of Essex.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the County of Essex has Preamble. by its petition prayed for special legislation to validate by-law number 924; and whereas it is expedient to grant the prayer of the said petition;

- 1. By-law number 924, passed by the council of the Cor-Equalization poration of the County of Essex on the 20th day of October, by-law, No. 924 1943, to equalize the assessments of the several townships, validated towns and villages in the said County for the purposes of the rating for the year 1944, set out in Schedule A bereto, is hereby confirmed and declared to be legal, valid and binding upon the corporations of the municipalities comprising the said County.
  - 2. This Act may be cited as The County of Essex Act, 1944. Short title.

#### SCHEDULE A

#### BY-LAW No. 924.

Whereas the Council of the Corporation of the County of Essex did on the 17th day of June, 1943, duly pass By-Law No. 921 for the purpose of equalizing the assessments of the different townships, towns and villages in the County of Essex.

AND WHEREAS the Town of Amherstburg under the provisions of The Assessment Act, took an appeal from the said By-law as therein provided;

And Whereas, in order to avoid if possible the expenses for contest over the matter in the Court appointed for the purpose of hearing said appeal, the parties interested entered into negotiations and have arrived at a settlement by which the Town of Amherstburg is to receive a reduction of \$215,000 in the amount for which the assessment of the said town has been equalized in the said By-law, and the appeal of the said town is to be withdrawn:

Now, THEREFORE, be it enacted and it is hereby enacted,

1. That the equalized assessment of the Town of Amherstburg as set out in said By-law No. 921, shall be reduced by the sum of \$215,000 and the equalized assessment of the Municipal Corporation of the County of Essex be as follows:

Amherstburg	\$1,715,803
Essex	1,317,041
Harrow	556.251
Kingsville	1,709,023
LaSalle	468,935
Leamington	3,762,400
Oiibway	635,271
	1,495,229
Riverside	
Tecumseh	745,334
Belle River	552,302
St. Clair Beach	465,880
Anderdon	2,240,500
Colchester North	1.546.384
Colchester South	4,032,456
Gosfield North	2,228,450
Gosfield South	4,202,933
Maidstone	3,905,548
	2,903,784
Malden	
Mersea	5,676,000
Rochester	2,258,328
Sandwich East	1,992,652
Sandwich South	1,910,223
Sandwich West	1,715,457
Tilbury North	2,002,478
Tilbury West	1,439,950
	-,,

\$51,478,612

- That the values set forth in the above schedule forming a parof this by-law shall be the value of the assessment for the different townt ships, towns and villages in the County of Essex for the year 1943.
- 3. That this by-law shall come into force and effect if and when the same is validated by special act of the Legislature of the Province of Ontario, application for which is hereby authorized.

By-law passed this 20th day of October, 1943.

Signed, W. P. COYLE, Clerk.

Signed, PHILIAS GRONDIN, Warden.

An Act respecting the Town of Fort Erie.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the Town of Fort Erie Preamble. has by its petition prayed for special legislation with respect to the constitution of its council; and whereas it is expedient to grant the prayer of the said petition;

- 1. Notwithstanding the provisions of the order of the constitution Ontario Municipal Board, dated the 23rd day of November, of council. 1931, and confirmed by section 2 of *The Town of Fort Erie Act, 1932*, the council of the Corporation of the Town of Fort 1932. c. 68. Erie for the year 1945 and thereafter shall be composed of a mayor, a reeve, a deputy reeve, and one councillor to be elected by general vote and five councillors, one of whom shall be elected from each ward by vote of the electors entitled to vote in such ward.
- 2. Notwithstanding the provisions of section 1, the council Provision of the Corporation of the Town of Fort Erie may by by-law, stitution with the assent of the electors, constitute the said council in otherwise. any manner provided by the provisions of *The Municipal Act* applicable to a town.
- 3. The councils of the Corporation of the Town of Fort Constitution of former Erie for the years 1936 to 1943 shall be deemed to have been councils validated.
- 4. This Act may be cited as The Town of Fort Erie Act, Short title 1944.



# An Act respecting the City of Fort William.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the City of Fort William Preamble. has by its petition prayed for special legislation with respect to lands acquired by the Corporation at tax sales and the election of members of the Board of Park Management; and whereas it is expedient to grant the prayer of the said petition:

- 1.—(1) The Corporation of the City of Fort William or Special the Board of Sinking Fund Trustees, as the case may be, may tax sale lease, option, exchange or sell any lands acquired by the lands. Corporation at a tax sale prior to the passing of this Act for such consideration, including in whole or in part other lands within the City, as it deems advisable.
- (2) Lands so taken in exchange by the Corporation shall How be held by the Corporation under the same terms and condilated to tions as if they were lands acquired by the Corporation at a be held. tax sale.
- (3) The lands so taken in exchange by the Corporation Minimum shall have an assessed value equivalent to or greater than lands taken in exchange.
- (4) An exchange of lands made under this Act shall not be Approval. effective or valid until approved by the Department of Municipal Affairs.
- (5) The powers conferred by this Act shall extend to and Retroactive include any lands heretofore so leased, optioned, taken in aspect. exchange or sold.
- 2. The members of The Board of Park Management of the Election of City of Fort William hereafter required to fill the vacancies of Board of Park Park 1

  1 retiring ment.

retiring members shall be elected by the electors of the City at the annual municipal elections held next before the date of their retirement.

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as The City of Fort William Act, 1944.

# An Act respecting the Town of Leaside.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the Town of Leaside has Preumble. by its petition prayed for special legislation prohibiting its annexation to or amalgamation with any other municipality for a period of five years without the approval of its council; and whereas it is expedient to grant the prayer of the said petition;

- 1. Notwithstanding the provisions of any other Act, No annexa-excepting only section 23 of The Municipal Act as re-enacted unalgama-by section 2 of The Municipal Amendment Act, 1939, the byears Town of Leaside or any part thereof shall not for the period of approval of five years after this Act comes into force be annexed to or council, amalgamated with any other municipality or municipalities, Rev. Stat., nor shall any part thereof be incorporated as a municipality separate and apart from the said Town unless such annexation or amalgamation or the erection as a separate municipality of part of the said Town is approved by the council of the said Town to be expressed by by-law.
- 2. This Act shall come into force on the day upon which it Commence-receives the Royal Assent.
  - 3. This Act may be cited as The Town of Leaside Act, 1944. Short title.



## CHAPTER 78.

# An Act respecting the City of London.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the City of London has Preamble. by its petition prayed for special legislation in respect of the Park Fund Rate; and whereas it is expedient to grant the prayer of the said petition;

- 1. Section 10 of *The City of London Act*, 1912, as amended 1912. by section 8 of *The City of London Act*, 1918, is further amended amended. by striking out the words "one-half" in the sixteenth line and inserting in lieu thereof the word "one" and by striking out the words "real and personal" in the seventeenth and eighteenth lines so that the said section, exclusive of the clause, shall now read as follows:
  - 10. The Water Commissioners for the City of London  $w_{ater}$  shall, from and after the passing of this Act, have the Commissioners whole management and control of all the public to have parks in the said City of London, and Springbank of public Park owned by the Corporation of the City of London, and situate in the Township of Westminster, and the care of the public boulevards in the said City, and shall have, with respect thereto all the powers which the Board of Park Management have under the provisions of The Public Parks Act, including the right to make up an estimate of the sums required during the ensuing financial year as provided by section 17 of the said Act, and the Council of the Corporation of the City of London shall be bound to levy and assess in each year, a special annual rate sufficient to furnish the amount estimated by the said The Water Commissioners for the City of London to be required for the year, but not exceeding one mill in the dollar upon the assessed value of all rateable property, such rate to be called the Park Fund Rate, in the same manner as if the

said estimate had been made up and reported to the Council by The Board of Park Management under the provisions of the said section 17 of the said Act.

Retroactive effect.

2. Section 1 shall have effect on and after the 1st day of January, 1944.

Commencement of Act. 3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as The City of London Act, 1944.

# An Act respecting the Township of North Monaghan.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the Township of North Preamble.
Monaghan has by its petition prayed for special legislation to confirm a certain order of the Ontario Municipal Board annexing a portion of the Township of North Monaghan to the City of Peterborough; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Order No. P.F. B-2423 of the Ontario Municipal Board Municipal dated the 8th day of February, 1944, set out as schedule A Order hereto and as amended by this Act, is, except clause b of B-2423 section 5 of the said order, hereby confirmed.
- 2. The said order shall have effect as from the 1st day of Effective January, 1945.
- 3. Any lands of two acres or more, in the portion of the Agricultural Township of North Monaghan annexed to the City of Peter- gardening borough by the said order and now used for agricultural or lands. gardening purposes shall, so long as so used, be assessed in each year for a period of five years at such amount as may be agreed upon by the Corporation of the City of Peterborough and the person assessed, or failing such agreement as shall be determined by the Ontario Municipal Board.
- 4.—(1) Notwithstanding the provisions of this Act, any Provision other Act or the said Order No. P.F. B-2423 of the Ontario for agreed Municipal Board, the Board of North Monaghan Township in a declaration of the City of Peterborough may, subject to the consent of the Minister of Education, enter into an agreement in respect of,—
  - (a) the maintenance and control by the Board of Education for the City of Peterborough of the public

schools

schools in the area to be annexed as and from the 1st day of September, 1944, until the 1st day of January, 1945, in consideration of the payment to the Board of Education for the City of Peterborough by the Board of North Monaghan Township Area Schools of a sum to be agreed upon by the said Boards in four equal monthly payments on the last days of September, October, November and December, 1944; and

- (b) the attendance of pupils resident within the area to be annexed and of the pupils resident within the remainder of the said public school area of North Monaghan Township for such period as may be agreed upon.
- Idem. (2) The entry into the agreement between the Board of Education for the City of Peterborough and the Board of North Monaghan Township Area Schools shall constitute the maintaining of public schools within the meaning of section 153 Rev. Stat., c. 357. of The Public Schools Act and shall relieve every member of the School Board of North Monaghan Township Area Schools of the penalties provided in such section.
- Commence 5. This Act shall come into force on the day upon which it receives the Royal Assent.
- Short title. 6. This Act may be cited as The Township of North Monaghan Act, 1944.

### SCHEDULE A

P.F. B-2423.

# THE ONTARIO MUNICIPAL BOARD

Tuesday, the 8th day of February, A.D. 1944.

BEFORE:

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R. Chairman,

W. P. NEAR, Esq., B.A.Sc.,

COLTER, Esq., K.C., IN THE MATTER OF The Municipal Amendment Act, 1939, 3 Geo. VI. Chapter 30, Section 2, and

> IN THE MATTER OF the Application by the Corporation of the Township of North Monaghan for annexation to be City of Peterborough of part of the said Township of North Monaghan.

Upon the application of the Corporation of the Township of North Monaghan in the presence of:

F. D. KERR, K.C., for the Corporation of the Township of North Monaghan,

MELVILLE JOHNSTON, Reeve of the Corporation of the Township of North Monaghan.

A. W. Archibald, Deputy-Reeve of the Corporation of the Township of North Monaghan.

BRUCE JOHNSTON, Clerk of the Corporation of the Township of North

WALTER BANNON, Chairman of North Monaghan Township Area

HARRY WELCH, Secretary of North Monaghan Township Area Public Schools.

J. McElderry, K.C., for the Corporation of the County of Peterborough,

MRS. JENNIE A. SPURWAY, Clerk of the County of Peterborough,

GILBERT MCILMOYLE and PETER MATHER, County Councillors for the County of Peterborough,

W. F. Huycke, K.C., and John R. Corkery, Esq., for the Corporation of the City of Peterborough,

MAMES HAMILTON, Mayor of the City of Peterborough,

E. A. OUTRAM, Clerk of the City of Peterborough,
J. F. STRICKLAND, K.C., for the Board of Education of the City

of Peterborough, KEITH S. WICHTMAN, Inspector of Public Schools, HON. G. N. GORDON, K.C., for Earl Davies, a ratepayer of the Township of North Monaghan,

and upon reading By-law Number 1253 of the Council of the Corporation of the Township of North Monaghan passed on the 28th day of October, 1943, filed with the Board authorizing an application for annexation of part of the Township of North Monaghan to the City of Peterborough and upon reading resolution of the Council of the Corporation of the City 1944, repealing said By-law 1253 of the said Corporation of the Township of North Monaghan and authorizing the application for annexation of the land in the Township of North Monaghan described in Schedule "A" and "B" hereto to the City of Peterborough and same being duly filed, and upon hearing what was alleged by Counsel on behalf of the Corporation of the Township of North Monaghan and Counsel on behalf of the Corporation

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of the County of Peterborough and Counsel on behalf of the Corporation of the City of Peterborough and Counsel on behalf of the Board of Education of the City of Peterborough, the Reeve and Clerk of the said Township of North Monaghan, and the Mayor and Clerk of the said City of Peterborough, and upon being satisfied that public notice of the hearing had been given as directed by the Board and upon holding a public hearing in the City Council Chamber in the City of Peterborough on Tuesday the 8th day of February, 1944.

This Board Doth Order and Proclaim that those parts of the Tomoship of North Monaghan, in the County of Peterborough, described in Schedules "A" and "B" be and the same are hereby annexed to the City of Peterborough and the said annexation shall take effect upon and subject to the following terms and conditions, namely:

- 1. That the taxes, assessments, rents, water, school and other rates in respect of the said annexed districts to be levied by the City of Peterborough in respect of the said annexed territory shall from and after such date as may be fixed by the Act of the Legislature of the Province of Ontario confirming this Order, be the same and payable at the same time and in the same manner as taxes, assessments, rents, water, school and other rates levied and raised from time to time on the property within the old boundaries of the City of Peterborough as they existed on the first day of January, 1944, and the assessment of the said annexed territory by the City of Peterborough shall from and after the date fixed by Act of said Legislature confirming this Order be on the same basis and made at the same time and in the same manner as in said old boundaries of the City of Peterborough, except that the assessment by the Corporation of the City of Peterborough of said annexed territory for the year of said annexation as fixed by Act of the Legislature confirming this Order may be taken by the Assessor of the City of Peterborough at any time after the date of the confirmation of this Order by Act of the Legislature of Ontario.
- 2. The Township of North Monaghan shall at all reasonable times allow the Corporation of the City of Peterborough, its servants and agents, access to the Assessment Rolls of the said portion of the said Township of North Monaghan and to all local improvement By-laws and local improvement assessment rolls, and also all plans, surveys and maps applicable to the said portions of the said Township for the purpose of making copies of the same named in the Act.
- 3. (a) All taxes imposed by the Township in the annexed areas up to the day named in the Act confirming this Order and making it effective and all arrears of taxes owing in the said district shall belong to the Township of North Monaghan.
- (b) The Corporation of the Township of North Monaghan shall forthwith prepare and furnish to the Corporation of the City of Peterborough a special Collector's Roll showing all arrears of taxes or special rates assessed against the lands in the annexed areas up to the day which is fixed by the Act of the Legislature confirming this Order and the persons assessed therefor.
- (c) The Corporation of the City of Peterborough shall have the right to collect all taxes belonging to said Township of North Monaghan in said district as set out in clause 3 (a) hereof according to said special collector's roll, including the right to distrain for non-payment of said arrears, or if necessary the right to sell the said lands, if any, for nonpayment of such arrears, as fully as if the said taxes had been assessed and levied by the Corporation of the said City, but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of same, shall be repaid by the corporation of the City of Peterborough to the said Corporation of the Township of North Monaghan within six months from the date of collection, provided that the said Corporation of the City of Peter-borough shall proceed to collect the said arrears of taxes shown on said special roll, in the same manner as if it had assessed and levied the same, and for that purpose the City Corporation shall have all the rights and powers conferred upon municipalities by the Assessment Act, or other Act

in force regarding the collections of arrears of taxes in the annexed areas, but the City Corporation shall not be responsible to the Corporation of the Township of North Monaghan for any such arrears of taxes which it may be upplied to collect.

- (d) The Corporation of the Township of North Monaghan shall indemnify and save harmless the Corporation of the City of Peterborough from all loss, costs, charges and expenses arising from any act or omission of the Township of North Monaghan or their officials or servants in connection with the said Special Roll.
- 4. The Council of the Corporation of the City of Peterborough is hereby empowered to pass a By-law or By-laws defining the polling subdivisions of the said annexed districts and the City Clerk shall prepare from the last certified voters' list of the Township of North Monaghan a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district or territory if it had not been detached, pursuant to Section 104 of The Municipal Act.
- 5. (a) All rights, title and interest in the Corporation of the Township of North Monaghan and the Corporation of the County of Peterborough in the highways and streets in the said areas together with any and all right, title and interest in any franchises or agreements heretofore given or made, and insofar only as they affect the portions of the said highways and streets in the areas so annexed, shall vest in the Corporation of the City of Peterborough.
- (b) All rights, title and interest of the Corporation of the Township of North Monaghan in any other lands and premises in said annexed area shall vest in the Corporation of the City of Peterborough.
- 6. Where any work heretofore has been constructed in the said areas to be annexed and such work is defective or insufficient, the Corporation of the City of Peterborough may proceed with the construction of required works under the provisions of The Local Improvement Act notwithstanding the lifetime of the first mentioned work has not expired.
- 7. The residents of the areas to be annexed from and after the date fixed by Act of the Legislature confirming this Order shall be entitled to water, gas and electricity from the Peterborough Utilities Commission upon the same terms and conditions as the other residents of the City of Peterborough.
- 8. (a) The present wards in the City of Peterborough numbered Wards 1, 2, 3, 4, and 5 shall be respectively numbered Wards 2, 3, 4, 5, and 6.
- (b) All that part of the areas to be annexed lying South of Lansdowne Street and the Easterly and Westerly extensions of Lansdowne Street shall constitute and be Ward Number 1 of the City of Peterborough.
- (c) All that part of the areas to be annexed lying North of Lansdowne Street and the Easterly and Westerly Extensions of Lansdowne Street and South of Sherbrooke Street and the Westerly extension of Sherbrooke Street shall be and form part of Ward Number 2 as re-designated.
- (d) All that part of the areas to be annexed lying North of Sherbrooke Street and the Westerly extension of Sherbrooke Street shall be and form part of Ward Number 4 as re-designated.
- 9. (a) The Corporations of the Township of North Monaghan, the County of Peterborough and the City of Peterborough and the Board of Education of the City of Peterborough shall be entitled to and shall be bound to make an adjustment of assets and liabilities pursuant to section 23 of The Municipal Act and Section 38 of The Public Schools Act shall apply as between the municipalities and school sections affected by this Order, and in the event of the parties hereto not being able to agree upon the adjustments of assets and liabilities then all such questions of adjustment

may be referred to Judge Sheldon L. Smoke, Judge of the County Court of the County of Peterborough, or such other person or persons as the Board the County of referborough, or such other person or persons as the Board may appoint, who shall make inquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b), and (c) of subsection 8 of Section 23 of The Municipal Act as amended by The Municipal Amendment Act, 1939, 3 George VI, Chapter 30, Section 2.

(Seal)

(Signed) W. P. NEAR, Vice-Chairman.

#### Schedule "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of North Monaghan, in the County of Peterborough and the Province of Ontario and being composed of parts of lots numbered 11, 12, and 13 in the 11th Concession, parts of lots number 11 and 12 in the 12th Concession and part of lot number 12 in the 13th Concession of the said Township, which said parcel is further described as follows, that is to say:-

Commencing at the intersection of the centre lines of Weller Street and Albertus Avenue according to registered plan number 144 of the City of Peterborough:

Thence southerly along the centre line of Albertus Avenue 1.195 feet to the centre line of Charlotte Street as shown on the said plan;

Thence easterly along the said centre line of Charlotte Street 470 feet to its intersection with the centre line of Monaghan Road;

Thence southerly along the said centre line of Monaghan Road 1.177 feet 11 inches to its intersection with the centre line of Sherbrook Street, being the road allowance between Concessions 12 and 13 of the Township of North Monaghan;

Thence westerly along the said centre line of Sherbrooke Street 679 feet 11 inches to its intersection with the northerly production of the centre line of Grandview Avenue according to Registered Plan Number 44 of the said Township;

Thence southerly along the said production and the said centre line of Grandview Avenue 449 feet to its intersection with the westerly production of the southerly limit of property now known as Prince of Wales School:

Thence easterly along the said limit parallel with Sherbrooke Street 596 feet 6 inches to the centre line of Monaghan Road in the said 12th Concession of the said Township of North Monaghan;

Thence southerly along the said centre line of Monaghan Road 4,272 feet 7 inches to its intersection with the centre line of Lansdowne Street of the said Township;

Thence easterly along the said centre line of Lansdowne Street 550 feet to the southeasterly limit of the right of way of the Canadian National Railway;

Thence southwesterly along the said limit 376 feet 11 inches to the

Thence westerly along the southerly limit of said park lot number 20 and its westerly production and in a line parallel with the road allowance between Concessions 11 and 12 of the said Township to a point in the westerly limit of lot number 1 according to Registered Plan Number 17 of the said Township, which point is distant 228 feet southerly from the northerly limit of said lot number 1;

Thence northerly along the westerly limit of said lot number 1 a distance of 1 foot more or less to a point which would be intersected by the productions easterly of the southerly limit of lot number 91 as shown on Registered Plan Number 58 for the said Township;

Thence westerly and parallel with the southerly limit of Lansdowne Street and following the southerly limit of said lot number 91 and its 334

production easterly, the production westerly of the said southerly limit of lot number 91, the southerly limit of lot number 64 according to said Registered Plan Number 58, the production westerly of the said southerly limit of said lot 64, the southerly limit of lot number 57 as shown on said Registered Plan Number 58, the production westerly of the said southerly limit of said lot number 57 and the southerly limit of lot number 17 according to said Registered Plan Number 58 to the southwesterly angle of said lot number 17:

Thence southerly along the westerly limits of lots numbers 18 and 19 according to said Registered Plan Number 58 a distance of 62 feet to the southwest angle of said lot number 19 as shown on said Registered Plan Number 58;

Thence westerly along the northerly limits of lots numbers 23, 24, 25, 26 and 27 as shown on said Registered Plan Number 58 to the northwest angle of said lot number 27;

Thence southerly along the westerly limit of said lot number 27 as shown on said Registered Plan Number 58 a distance of 1 foot more or less to a point distant 290 feet southerly from the southerly limit of Lansdowne Street;

Thence westerly and parallel with the northerly limit of lot number 4 according to said Registered Plan Number 17 a distance of 163 feet;

Thence northerly and parallel with the westerly limit of said lot number 4 a distance of 62 feet to a point distant 228 feet southerly from the northerly limit of said lot number 4;

Thence westerly and parallel with the northerly limits of lots numbers 4, 5, 6 and 7 according to said Registered Plan Number 17 to the westerly limit of lot number 7 according to said Registered Plan Number 17 of the said Township;

Thence northerly along the westerly limit of said lot number 7 according to said Registered Plan Number 17 and the northerly production thereof 261 feet to the centre of the said Lansdowne Street;

Thence easterly along the said centre of Lansdowne Street 55 feet to the southerly production of the westerly limit of lands subdivided under Registered Plan Number 49 of the said Township;

Thence northerly along the said production, along the said westerly limit of the lands subdivided under said plan number 49 and along the northerly production thereof, 3,028 feet to the centre of Provincial Highway number 28:

Thence southwesterly along the said centre line of said Provincial Highway 30 feet;

Thence northwesterly in a straight line to a point within the said lot number 11 in the 12th Concession of the said Township distant 912 feet measured westerly parallel with the northern limit of the said lot from a point in the eastern limit of the said lot distant 1,128 feet 6 inches southerly from the northeasterly angle thereof;

Thence easterly parallel with the said northerly limit of the said lot 406 feet to a point marking the southwesterly angle of part of the said lot described in Registered Deed Number 6852 of the said Township;

Thence northerly parallel with the said easterly limit of the said lot 575 feet 6 inches along the westerly limit of the last mentioned parcel to the northwesterly angle thereof;

Thence easterly parallel with the said northerly limit of the said lot 506 feet to the said easterly limit of the said lot;

Thence northerly along the said limit and its northerly production

thereof 586 feet to a point in the centre of road allowance between Concessions 12 and 13 of the said Township;

Thence easterly along the centre line of the said road allowance between Concessions 12 and 13 of the said Township 79 feet to its intersection with the southerly production of the western limit of the said lot number 12 in the 13th Concession of the said Township;

Thence northerly along the said production and along the said limit 2,339 feet 11 inches to the said centre of Weller Street;

Thence easterly along the centre line of said Weller Street 1,490 feet 6 inches to the point of commencing.

Together with all those parts of the original road allowance between the Concessions, Township lots, and park lots situate within the area

#### Schedule "B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan, in the County of Peterborough and the Province of Ontario and being composed of parts of lots numbers 13, 14, 15 and 16 in the 11th Concession and part of lot number 16 in the 12th Concession of the said Township, which said parcel is further described as follows, that is to say:-

Commencing at the intersection of the centre line of Monaghan Road in the said Township, being the road allowance between lots numbers 12 and 13 in the 11th Concession of the said Township and the westerly production of the southerly limit of park lot number 20 in lot number 13 in the 11th Concession of the said Township;

Thence southerly along the centre line of the said road allowance between lots numbers 12 and 13 in the 11th Concession of the said Township to a point which would be intersected by the production westerly of the southerly limit of the most southerly lane shown on Registered Plan Number 45 of the said Township.

Thence easterly along the said last mentioned production and the southerly limit of the most southerly lane shown on said Registered Plan Number 45 and along the easterly production of the said southerly limit of the said lane to its intersection with the centre line of Park Street in the said Township, being the road allowance between Township lots numbers 13 and 14 in the 11th Concession of the said Township;

Thence southerly along the centre line of the said road allowance between said Township lots numbers 13 and 14 in the 11th Concession of the said Township and along the production southerly thereof across a Government Reserve one chain wide to the shore of Otonabee River;

Thence in a northeasterly direction following the shore of the Otonabee River to a point where the same is intersected by the northerly limit of Lansdowne Street, being the road allowance between Concessions 11 and 12 of the said Township;

Thence in a northeasterly, northwesterly, westerly and southwesterly direction following the shore of the Otonabee River and the shore of the Little Lake to a point which would be intersected by the westerly limit of Haggart Street as shown on Registered Plan Number 31 for the City of Peterborough produced northerly across the River Road shown on said Registered Plan Number 31 to the shore of Little Lake;

Thence southerly along the northerly production of the said westerly limit of Haggart Street as shown on said Registered Plan Number 31 and following along the westerly limit of the said Haggart Street and its production southerly to the northern limit of Lansdowne Street, being the road allowance between Concession 11 and 12 of the said Township;

Thence westerly following the northerly limit of said Lansdowne Street to a point where the same is intersected by the westerly limit of

Thence southerly along the production southerly of the westerly limit of Park Street and along the easterly limit of Park Lot Number 20 in lot 13 in the 11th Concession of the said Township to the southeasterly angle of said park lot number 20;

Thence westerly along the southerly limit of said park lot number 20 and along the production westerly of the said southerly limit of said park lot number 20 to the point of commencement.

Together with all those parts of the original road allowances between the concessions, Township lots and park lots situate within the area hereinbefore defined.

#### CHAPTER 80.

# An Act respecting the Township of North York.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the Township of North Preamble. York has by its petition prayed for special legislation with respect to the township school areas and water areas; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The council of the Corporation of the Township Township Township of North York may by by-law passed with the consent of acceptable the majority of the whole number of the members thereof before the 1st day of July in any year, enlarge, extend or otherwise alter the boundaries of a township school area, as provided by section 15 of *The Public Schools Act*, by adding Rev. Stat., thereto any established school section or sections or area or c. 357. any part thereof.
- (2) Notwithstanding the provisions of subsection 3 of the Idemsaid section 15, the said council may by any such by-law or by a subsequent by-law, provide that the said township school area shall be divided into subdivisions for the purpose of electing trustees.
- (3) The council may, by any such by-law or by a subse-Idem. quent by-law, define the limits of such subdivisions within the township school area and vary the same from time to time, as may be required by the increase or decrease of the population.
- (4) Save as aforesaid, the provisions of *The Public Schools* Application of Rev. Act shall, mutatis mutandis, apply. Stat., c. 357.
- (5) No by-law authorized by this section shall be passed an interest without the approval of the Minister of Education.

2.

338 Special water areas.

2. The council of the said Corporation may by by-law passed with the consent of the majority of the whole number of the members thereof, designate any section or area of the Township, whether within an existing water area or not, as a special water area and establish therein a community water supply by water tap or otherwise, and may assess the total cost of such community water supply, the construction, maintenance and operation thereof over the whole of such special area in addition to or in substitution for any other charges that the said special area may be called on to bear in connection with its being part of the larger water area.

Short title.

3. This Act may be cited as The Township of North York Act, 1944.

An Act respecting the Ottawa Civic Hospital.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the City of Ottawa has Preamble. by its petition prayed for special legislation in respect of the Ottawa Civic Hospital; and whereas it is expedient to grant the prayer of the said petition:

- 1. Section 9 of *The Ottawa Civic Hospital Act*, as amended <sup>1912</sup><sub>c.122, s. 9</sub> by section 2 of *The Ottawa Civic Hospital Amendment Act*, amended. *1922*, is further amended by adding thereto the following subsection:
  - (5) The said Board may establish a fund to provide for Power to the payment of allowances to the employees of the benefit hospital, or any class thereof, upon their retirement fund. from the service of the hospital or, in the event of their death while in the service of the hospital, to their relatives, dependents, or personal representatives, and may require all employees to whom the fund is applicable to contribute monthly, semimonthly or at other fixed periods to the fund such amount out of, or such fixed percentage of, the salary or wages of each such employee as the said Board may from time to time determine, which amount may vary with the age, health, length of service or salary of the employee, and may contribute annually or at other fixed periods to the fund out of any money appropriated by the Council and available for such purpose an amount not in excess of the total amount contributed thereto during the same period by the employees, and may enter into all contracts and agreements which may be necessary for such purposes, and may apply for incorporation of the fund under the provisions of any Act of the Province of Ontario; provided that no money belonging to the fund shall be invested

except in the debentures, bonds, stock or other securities of or guaranteed by the Government of Canada or of or guaranteed by the Government of the Province of Ontario.

Short title. 2. This Act may be cited as The Ottawa Civic Hospital Amendment Act. 1944.

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# CHAPTER 82.

# An Act respecting the City of Ottawa Public School Board

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

THEREAS the City of Ottawa Public School Board has Preamble. V by its petition represented that it is expedient to provide for the election of its members as hereinafter set forth to hold office for the term hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

- 1. Notwithstanding the provisions of The Public Schools Public Act, an election by general vote and by ballot for the nine School trustees of The City of Ottawa Public School Board to hold elections. office for the periods hereinafter mentioned shall be held in Rev. Stat., c. 357. the year 1944, at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections in and for the City of Ottawa of aldermen, and the provisions of The Muni-Rev. Stat.. cipal Act respecting the time and manner of holding the c. 266. election, including the method of receiving nominations for office and the resignation of persons nominated, vacancies and declarations of qualification of office shall apply mutatis mutandis to such election.
- 2. If at the nomination meeting for the first election of Acclamation. trustees by general vote no more candidates are nominated for office than the nine who are to be elected and those nominated are declared to be elected, the five of them who have the highest rateable assessments as ascertained from the last revised assessment roll of the municipality shall hold office for four years and the remaining four of them shall hold office for two years, each of them, however, holding office until his successor is elected and takes office.
- 3. At the first election of trustees by general vote, other First than in the case provided for in section 2, the five persons election. receiving the highest number of votes shall hold office for

four years and the remaining four elected shall hold office for two years, each of them however holding office until his successor is elected and takes office.

Subsequent elections

4. After such first election there shall be elected every two years by vote of the electors of the whole municipality a sufficient number of trustees for a term of four years to take the place of those whose term of office has expired, and such trustees shall hold office until their successors are elected.

Present trustees.

5. Upon the organization of the Board elected as aforesaid. the term of office of all trustees elected prior to the said election shall, notwithstanding anything to the contrary in The Public Schools Act, expire.

Rev. Stat. Commence-ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as The City of Ottawa Public School Board Act. 1944.

An Act respecting the Township of Scarborough.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the Township of Scar-Preamble. borough has by its petition prayed for special legislation prohibiting its annexation to an adjoining municipality for a period of five years without the assent of the electors; and whereas it is expedient to grant the prayer of the said petition:

- 1. Notwithstanding the provisions of any other Act, excepting only section 23 of The Municipal Act as re-enacted by the form for section 2 of The Municipal Amendment Act, 1939, no part of without the Township of Scarborough shall, for the period of five years electors. after this Act comes into force, be annexed to an adjoining municipality without the assent of the electors of the Township obtained on the submission of a question for that purpose in conformity with The Municipal Act.

  Rev. Stat., Page St
- 2. This Act may be cited as The Township of Scarborough Short title. Act. 1944.



# An Act respecting the City of Toronto.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the City of Toronto has Preamble. by its petition prayed for special legislation in respect of the several matters hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition:

- 1. Notwithstanding the provisions of The Local Improve-Where cost of ment Act, where the cost of the work is borne by the Toronto street work Transportation Commission, the Corporation may, subject by the Department of Municipal Affairs and Rev. Stat. without local assessment of cost, open, widen, extend, alter, c. 269. grade, alter the grade of, divert or improve any street or open and establish a new street or construct, widen, resurface or reconstruct any pavement, sidewalk, sewer or drainage facility incidental thereto or may acquire or expropriate the lands necessary therefor and the said Commission is hereby authorized to provide moneys for any of the said works and the provisions of The Municipal Act and The Municipal Rev. Stat., Arbitrations Act shall mutatis mutandis apply.
- **2.** Subject to the provisions of *The Public Hospitals Act* Public the Corporation may establish, erect, equip, maintain and authorized. Rev. Stat., operate a public hospital.
- 3.—(1) The council of the Corporation may grant and Grant of convey unto His Majesty the King in the right of the Dominion of Canada represented for such purpose by the Minister of Pensions and National Health, all the lands in the Township of North authorized. York in the County of York, known as "Sunnybrook Park" for use by His Majesty represented as aforesaid for military hospital purposes for the three armed services of Canada, the Navy, the Army and the Air Force, and for the erection and use of such other buildings as may be reasonably necessary for the purposes associated therewith.

How power to be exercised. (2) The power granted under subsection 1 shall be exercised in accordance with the terms of any trust or obligation pertaining to the said lands as varied by the persons lawfully entitled so to do.

Grants in aid of military hospitals authorized. (3) The council of the Corporation may, with the approval of the Department of Municipal Affairs, from time to time grant aid for military hospital purposes.

Improvement of approaches to Park authorized. (4) The council of the Corporation may, with the approval of the council of the Township of North York, at the expense of the Corporation at large and without local assessment, construct, widen, extend, alter the grade of, divert, improve or pave any street providing access to the lands known as Sunnybrook Park or may lay or construct on or in any such street any other services or facilities required in connection with such use of the said lands by His Majesty as aforesaid.

Dominion, John Inglis Co. Ltd., C.N.R. and Toronto agreement authorized. 4. The Corporation is hereby authorized to enter into the agreement with His Majesty the King, John Inglis Company Limited and Canadian National Railway Company, set forth as schedule A hereto, and upon the same being executed by the parties thereto, it shall be legal, valid and binding and the Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.

Improvement works for benefit of City at large.

5. The council of the Corporation may, subject to the approval of the Department of Municipal Affairs, undertake, at the expense of the Corporation, any work or service which may be undertaken as a local improvement, where in the opinion of the council the work or service is carried out for the benefit of the City at large.

1917, c. 92, s. 13, amended. **6.** Section 13 of *An Act respecting the City of Toronto* passed in the seventh year of the reign of His late Majesty King George V, chapter 92, is amended by adding thereto the following paragraph:

Advances to sinking fund. (d) Advance to the sinking fund from the funds of the Corporation any sums becoming due to the sinking fund within the year, subject to a discount equivalent to the current rate of interest on the amount paid.

Commencement of Act. 7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as The City of Toronto Act, 1944.

## SCHEDULE A

THIS AGREEMENT made the

day of

. 1944.

BETWEEN:

HIS MAJESTY THE KING in right of Canada, herein represented by the Minister of Munitions and Supply (hereinafter called "the Crown")

OF THE FIRST PART:

JOHN INGLIS COMPANY LIMITED (hereinafter called "the Inglis Company")

OF THE SECOND PART:

CANADIAN NATIONAL RAILWAY COMPANY (hereinafter called "the Railway Company")

OF THE THIRD PART:

-and-

THE CORPORATION OF THE CITY OF TORONTO (hereinafter

OF THE FOURTH PART.

WHEREAS for some time past the lands designated on the plan hereto annexed, and herein referred to, as Parcels "A", "B" and "C" which have been expropriated by the Crown, and the buildings erected thereon and owned by the Crown, have been used for the purpose of manufacturing munitions of war for the Crown;

AND WHEREAS certain of the said lands were owned by the Railway Company prior to such expropriation;

AND WHEREAS the City has claimed the right to assess the said lands and buildings and also to assess the Inglis Company for business assessment in respect of the manufacturing operations carried on upon or in the same, and to levy taxes on the amounts of such assessments;

AND WHEREAS the right of the City to make such assessments has been disputed and assessments which have been made have been appealed against:

AND WHEREAS the parties hereto have agreed to settle the matters in dispute between them in the manner and upon the terms hereinafter set forth;

Now Therefore This Agreement Witnesseth that the parties hereto mutually do agree, each with the other and others as follows:

- 1. All pending appeals against the assessment of the lands designated on the plan hereto annexed as Parcels "A", "B" and "C" or of the buildings thereon or of any of the said lands or buildings and all pending appeals against the assessment of the Inglis Company for business assessment in respect of the manufacturing operations carried on upon or in the said lands and buildings or any of them, shall be allowed without admission by the City that it had no right to make such assessments.
- 2. Any assessments which have been made in or since the year 1941 against the said lands or buildings or any of them, and any business assessments which have been made in or since the year 1941 against the Inglis Company in respect of the manufacturing operations carried on upon or in the said lands and buildings or any of them, shall be cancelled and no taxes shall be collected or payable by reason of any such assessments.

- 3. No assessment of any such parcel or of the buildings thereon and no business assessment of the Inglis Company in respect of the manufacturing operations carried on, upon or in such parcel or building shall hereafter be made so long as this agreement shall continue in force and be applicable to such parcel. (The provisions of this paragraph shall extend to any assessments which the City might otherwise have been entitled to make under Sec. 14 of The Assessment Act, R.S.O. 1937, ch. 272, with respect to any rights of way or other easements appurtenant to the said Parcels "A", "B" and "C" or any of them.)
- 4. Without admission of any right of the City to make assessments or business assessments, and levy taxes in accordance with its aforesaid claims, the Crown and/or the Inglis Company shall pay to the City in respect of the year 1942 and in respect of each year thereafter, so long as this agreement shall continue in force and be applicable to any one or more of the said parcels, a sum equal to the City's mill rate of taxation for such year upon the value or values of the lands, exclusive of any buildings thereon, comprised in the parcel or parcels to which this agreement still applies, such values to be as follows:

Parcel	"A"		ζ									. \$	11,160.00
Parcel	"B"												32,475.00
Parcel	"C"	 				į,					ı		220.554.00

\$264.189.00

the amount to be so paid in respect of the year 1942 being the sum of \$8,612.56. The said sum of \$8,612.56 and the sum payable in respect of the year 1943 shall be paid upon the execution of this agreement by all parties and the sum payable in respect of each subsequent year shall be payable on the first day of May in such year. Each sum payable in respect of such subsequent year shall be a debt owing to the City the payment of which, in the event of default, may be enforced by legal proceedings in any Court of competent jurisdiction.

- 5. The provisions of this agreement shall continue in force and apply to each of the said Parcels "A" "B" and "C" and to the buildings thereon and to the manufacturing operations carried on upon or in the same, so long as such parcel continues to be used during the present war by any person, firm or corporation acting for or on behalf of the Crown, for the purposes of manufacturing, for the Crown, munitions of war or supplies as defined in the Department of Munitions and Supply Act, Statutes of Canada, 1939, Second Session, ch. 3 as amended. Upon any such parcel and the buildings thereon ceasing to be so used, this agreement shall cease to be in force as regards the said parcel and buildings or to apply thereto, and an adjustment shall be made of the sum payable hereunder in respect of such parcel in respect of the year in which such user shall have ceased, and the Crown and/or the Inglis Company shall be liable under this agreement for only a part of the sum to be paid in respect of that year as hereinbefore provided, such part to be proportionate to the part of such year during which such user shall have continued, and if such sum shall have already been paid to the City the City shall refund the remainder thereof to the party by whom the same was paid.
- 6. Notwithstanding any other provision of this agreement, whenever any parcel or the buildings thereon shall cease to be used in the manner and for the purpose aforesaid, the City shall thereupon become entitled to levy and collect such taxes in respect of the balance of the year in which the aforesaid user shall have ceased and in respect of subsequent years as it would have been entitled to levy and collect if this agreement had not been made.
- 7. The City covenants and agrees that during each year or part thereof in respect of which the Crown and/or the Inglis Company may be obligated to make the payments provided for by paragraph 4, it will furnish for and in respect of the parcel or parcels to which this agreement is applicable, and the buildings thereon, and for and in respect of the operation, use and occupation of the same, such municipal services as the City would normally provide for a taxable owner of such parcel or parcels, or buildings and on the same terms.

- 8. Each of the parties hereto shall execute such further instruments as may be necessary, or as the other parties or any of them may reasonably require, for the purpose of giving full force and effect to this agreement. The City also hereby agrees to join in all necessary proceedings to have the aforesaid pending appeals allowed and to consent thereto.
- 9. In case, during the present war, the Crown shall have an interest in any other parcel or parcels of land in the same neighbourhood, and own the buildings erected thereon, and such lands and buildings shall be used for the purpose of manufacturing munitions of war or supplies, defined as aforesaid, for the Crown by any person, firm or corporation acting for or on behalf of the Crown, such manufacturing operations being an extension of those now being carried on upon or in the said parcels "A", "B" and "C" and the buildings thereon or any of them, then and in that event the provisions of this agreement shall apply to such other parcel or parcels and the buildings thereon and to the manufacturing operations carried on, upon or in the same, the value of any such other parcel for the purpose of paragraph 4 of this agreement to be its last assessed value (exclusive of buildings thereon) prior to its being used for such manufacture, provided that if such parcel shall not have been separately assessed but shall have been assessed with other lands at a uniform rate per acre, its value shall be a proportionate part of the total assessed value of such parcel and other lands.
- 10. Nothing contained in this agreement shall affect the liability. if any, of any of the parties hereto for local improvement rates assessed in respect of any of the properties herein described or referred to.

IN WITNESS WHEREOF the parties hereto have executed these presents.

SIGNED, SEALED AND DELIVERED

In the presence of

(PLAN ANNEXED)



#### CHAPTER 85

An Act respecting l'Union Saint-Joseph du Canada.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

THEREAS l'Union Saint-Joseph du Canada has by its Preamble. petition prayed for special legislation in respect of its powers; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of the Act, passed by the Parliament of the Corporate Province of Canada in the twenty-seventh and twenty-eighth years of the reign of Her late Majesty Queen Victoria, entitled Province of An Act to incorporate the St. Joseph Union Society of the City Canada, 155. of Ottawa, is amended by inserting after the words "deceased members" in the twelfth line the words "and for issuing such contracts of insurance as may be authorized by virtue of the provisions of Part X of The Insurance Act, on the lives Rev. Stat., of such persons and with such beneficiaries as may be author- c. 256 ized by virtue of the said provisions" and by striking out the words "not exceeding in annual value two thousand dollars" in the eighteenth line and inserting in lieu thereof the words "as may be authorized under the provisions of The Insurance Act or any other Act of the legislature of Ontario."
- 2. All contracts and policies of insurance entered into or Contracts and policies issued by the said Corporation prior to the coming into force to be valid. of this Act are hereby declared to be as legal, valid and binding and to have the same force and effect as if this Act had come into force before such contracts and policies were issued or entered into; provided that nothing in this section shall affect Bughts any right acquired by any person, by prescription or other-saved. wise, before the coming into force of this Act.
- 3. It is hereby declared that the name of the Corporation Name of is and has been "L'Union Saint-Joseph du Canada" since the day upon which the Act entitled An Act respecting L'Union St. Joseph de la Cité d'Ottawa and to change its name to L'Union Can. 1905, Saint-Joseph du Canada came into force.
- 4. This Act may be cited as L'Union Saint-Joseph du Short title. Canada Act. 1944.



#### CHAPTER 86

# An Act respecting Victoria University.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Board of Regents of Victoria University Preamble. has by its petition represented that it is desirable that The Victoria University Act, 1928, be re-enacted with certain 1928, amendments respecting the management of the said University; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act .--

Interpre-

- (1) "Board" shall mean The Board of Regents of Victoria University:
- (2) "Faculty" shall mean the president and all the permanent members of the staff of Victoria and Emmanuel Colleges engaged in teaching:
- (3) "Graduates" shall mean and include the graduates of Victoria University before federation with the University of Toronto and those graduates of the University of Toronto after federation who were enrolled in Victoria University at the time of their graduation.
- (4) "Alumni of Emmanuel College" shall mean:
  - (a) All those who have received a degree in Divinity from Victoria University; or who have received a degree in Divinity from Knox College previous to May 1, 1927, and who were connected with The United Church of Canada on August 1st, 1928, or who within five years from that date elected to become alumni of Emmanuel College.

- (b) All those who have completed a regular course in Theology prescribed for ordination to the ministry in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College.
- (c) All those who previous to May 1, 1927, completed in Knox College a regular course prescribed for ordination to the Ministry, and who were connected with The United Church of Canada on August 1st, 1928, or who within five years from that date elected to become alumni of Emmanuel College.
- (d) All ministers of The United Church of Canada who have completed one full year in Theology in Emmanuel College, or in the Faculty of Theology of Victoria University, or in Union Theological College, or prior to May 1, 1927, in Knox College.

Royal Charter.

2. The Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth incorporating the Upper Canada Academy is hereby declared always to have been in full force and effect from the date thereof, notwithstanding anything to the contrary in any legislative enactment or otherwise and it shall remain in full force and effect.

Victoria University continued.

3. Victoria University as established by the said Royal Charter and by Acts of the Legislature of the late Province of Canada and of the Province of Ontario, is hereby declared always since the date of the Royal Charter granted in the seventh year of the reign of His late Majesty King William the Fourth to have had continuous existence, notwithstanding anything to the contrary in any legislative enactment or otherwise and it is hereby continued and shall continue as a body corporate to be called and known as Victoria University.

Manageadministra-

4.—(1) The said Victoria University shall be under the management and administration of "The Board of Regents of Victoria University" which is hereby continued as a body corporate under that name.

Constitu-

- (2) The Board shall consist of forty-three members to be elected or appointed as set out in the following sections. These members shall hold office until their successors are elected or appointed as follows:
  - (a) Twenty-two members by vote of the General Council of The United Church of Canada appointed every two years.
  - (b) Four ex officio members being the Chancellor of Vic-

toria University, the President of Victoria University, the Dean of Victoria College and the Dean of Emmanuel College.

- (c) Five members by vote of the graduates in Arts, Medicine, Science and Law of Victoria University every four years.
- (d) Five members by vote of the Alumni of Emmanuel College every four years.
- (e) Seven members to be elected by the before mentioned thirty-six members according to the regulations which may be made from time to time by the Board.
- (3) If a vacancy occurs in the Board from among the mem-vacancies. bers elected by the General Council of The United Church of Canada, such vacancy shall be filled by the executive committee of the said General Council. If a vacancy occurs from among the other members of the Board, the vacancy shall be filled by the Board, but in the case of a vacancy from among the members elected by the graduates or by the Alumni the Board shall appoint a graduate or alumnus as the case may be, to fill the vacancy.
- **5.** The Board shall have in addition to the powers, rights Power and privileges mentioned in section 28 of *The Interpretation* land. *Act*, power to purchase, acquire, take and hold by gift, devise Rev. Stat., or otherwise real and personal property for the purpose of the color university without license in mortmain and may grant, sell, mortgage, lease and otherwise dispose of the same or any part thereof.
- **6.** All real and personal property now vested in Victoria vesting of University or in the Board of Regents of Victoria University property. shall be and it is hereby vested in the Board.

#### 7. The Board shall have power,-

Powers of the Board.

- (1) To elect its own Chairman, Vice-Chairman, Treasurer and Secretary; to prescribe their respective duties, powers and authority, and to determine the tenure of each such office. Should a vacancy in any office occur at any time, the Board shall, at its next meeting, elect a new occupant of such office. The Secretary may or may not be a member of the Board.
- (2) To appoint a Chancellor of Victoria University and to determine the tenure of the office.
- (3) To make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing

the quorum of the Board and for the appointment of such committees as it may deem necessary, and for conferring on any such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board.

- (4) To appoint a President who shall also be Vice-Chancellor, a Registrar, a Dean of Victoria College, a Dean of Emmanuel College, a Bursar, a Librarian, professors, lecturers, instructors, tutors, and all officers, agents and servants of the university and its colleges and to dismiss the same and to determine their salaries, duties and tenure of office which, unless otherwise provided, shall be at the pleasure of the Board, provided, however, that the members of the Faculty of Emmanuel College shall be appointed or dismissed only by a majority vote of the members of the Board and also by a majority vote of those members of the Board elected by the General Council of The United Church of Canada present at a meeting duly called for the purpose. No appointment to the permanent teaching staff of either college shall be made until the President and the Dean of such college shall have consulted with the teaching staff of the department concerned in the case of Victoria College, and with the members of the Faculty of Emmanuel College, and until the result of such consultation has been reported to the Board. The appointment of the Dean and professors of Emmanuel College shall be subject to confirmation by the General Council of The United Church of Canada or by a duly authorized board or committee of the General Council.
- (5) In case of vacancy in the office of President or of the absence, illness or other incapacity of the President to appoint a head of Victoria University for all the purposes of and with all the powers and authorities contemplated by *The University Act*, R.S.O. 1937, Chapter 372.
- (6) To make such regulations as may be necessary or advisable for the holding of nominations and elections for membership on the Board.
- (7) To make regulations respecting and providing for the retirement and superannuation of any of the persons mentioned in clause (4) or the payment of a gratuity to any of them upon retirement and to provide that any superannuation or retiring allowance or gratuity

shall be paid out of a fund which may be created for that purpose either with the money of the Board or from contributions from such persons or partly by both or in whole or in part from the general funds of Victoria University.

- (8) Subject to the limitations imposed by any trust as to the same, to invest all such money as shall come to the hands of the Board and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet.
- (9) To lay out and expend such sums as the Board may deem necessary for the erection, furnishing, maintenance and equipment of such buildings as are or may be deemed necessary for the purposes of Victoria University or the students thereof; provided, however, that the Senate and the Council of the college concerned shall be invited to inspect all plans of buildings and may make suggestions with regard thereto, and that before any such suggestions are rejected there be consultation between the Senate and the Board.
- (10) To exercise all the powers for establishing faculties, departments, chairs and courses of instruction in Victoria University and its colleges as have been conferred on Victoria University or the Board or Senate thereof by the said Royal Charter or by any Act of the Legislature of the late Province of Canada or of the Province of Ontario.
- (11) To receive and administer all gifts, legacies, devises, grants, subscriptions or donations for Victoria University and its colleges.
- (12) To impose tuition and other fees on the students of Victoria University.
- (13) To keep proper books of account of the financial affairs of Victoria University and to present a report of the said university, accompanied by a duly audited financial account to each meeting of the General Council of The United Church of Canada.
- (14) To establish a committee to be known as the Library Board to consist of four members appointed by the Council of Victoria College, four members by the Council of Emmanuel College and four members by

the Board and to vest in such committee (subject to such limitations as the Board may deem advisable) the care, control and management of the library of Victoria University and its colleges.

(15) To make all such regulations and provisions and do all such matters and things as may seem necessary or advisable for the welfare, advancement and good government of Victoria University which are not by this Act assigned to any other body.

# Execution of documents.

**8.** All deeds, mortgages, discharges of mortgages, papers, documents, agreements and other instruments in writing shall be executed on behalf of the Board by any two of the President, the Chairman of the Board, the Vice-Chairman, the Treasurer, the Bursar.

Constitution of the Senate.

**9.**—(1) There shall be a Senate of Victoria University which shall consist of the following:

The Chancellor:

The Vice-Chancellor:

Six members of the Board of Regents appointed by the Board of Regents from their number;

All active members of the permanent teaching staff of Victoria College and Emmanuel College:

- All retired members of the permanent teaching staff of Victoria College and Emmanuel College who had attained the rank of a full professor;
- Six representatives elected every four years by the graduates of the faculties of Arts, Medicine, Science and Law of Victoria University;
- Six representatives elected every four years by the Alumni of Emmanuel College;

Two representatives appointed by Albert College.

(2) The said members of the Senate shall hold office until their successors are elected.

#### Powers of the Senate.

- 10. The Senate shall have power,—
  - To provide for the regulation and conduct of its proceedings including the determination of the quorum necessary for the transaction of business.

. (2)

- (2) Subject to the provisions of *The University Act*, to provide for the granting of and to grant degrees, including honorary degrees in the several colleges and faculties which are or may from time to time be established and to determine the courses of study and qualifications for degrees;
- (3) To make such regulations as may be deemed necessary and proper for the nomination and election of members to the Senate
- (4) To make regulations and deal with all such matters of a strictly educational nature as have not in this Act been assigned to either of the colleges:
- (5) To summon and provide for the holding of Convocation, for the conferring of degrees and for such other purposes as may be determined by the Senate;
- (6) To appoint the representative of Victoria University on the Senate of the University of Toronto, provided, however, that no person who is a member of the Council of Emmanuel College shall be entitled to vote on any such appointment;
- (7) To deal with such other matters and affairs as may from time to time be committed to it by the Board.
- 11.—(1) The Chancellor shall preside at the meetings of Duties of the Senate and of Convocation of Victoria University and Chancellor. shall confer degrees.
- (2) The Vice-Chancellor shall, in the absence of the Chan-Duties of cellor, preside at the meetings of the Senate and of Convoca-Chancellor. tion of Victoria University and confer degrees.
- (3) The President shall be charged with the general over-Duties of sight of the University as a whole. He shall be the head of dent. Victoria University within the meaning of clause (a) of section 41 of The University Act. He shall be the Chief Administrative Officer of the Board and shall have oversight of the business of the Board in its administration of the property and funds of the Board; and, save as herein otherwise provided, shall have authority to, and shall be responsible for, carrying into effect the directions of the Board, of the Senate and of the Caput in regard to all matters affecting Victoria University, its Colleges, its courses of study, and its discipline. He shall prepare and present annually to the Board a report of the life and work of the University and its colleges and a similar report to the General Council of The United Church of Canada. He shall also perform such other

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duties and functions as are essential to the university as a whole and which have not been assigned to the heads of either of the colleges. The President may, at the discretion of the Board, act as Dean of either college:

Continuation of Victoria

12. The present Faculty of Arts established in Victoria University and known as Victoria College in the University of Toronto is hereby continued and shall also be known as Victoria College of Victoria University.

Dean of Victoria College.

13. The Dean of Victoria College shall be the Chairman of the Council of Victoria College and shall advise the President on all matters concerned with the life and work of the college. He shall assist the President by performing for the college such administrative duties as may be assigned to him by the Board.

tion of Council of Victoria College.

14.—(1) There shall be a Council of Victoria College which shall consist of the Chancellor, the President of Victoria University, the Dean of Victoria College, the Librarian of Victoria University, and all active permanent members of the teaching staff of Victoria College, together with one professor in the Department of Religious Knowledge appointed by the Faculty of Emmanuel College.

Powers of

- (2) The Council of Victoria College shall have the following powers and duties:
  - (a) To make rules and regulations for governing its own proceedings, including the determining of the quorum necessary for the transaction of business.

Rev. Stat., c. 372.

- (b) Subject to the provisions of this Act and of The University Act and to the approval of the Board, to prescribe and regulate the courses of study, to exercise direction, guidance and oversight of the work and life of the college; and to make such rules and regulations as may from time to time be required for the good of the College.
- (c) To transact such business as may arise that concerns the Council as a whole.
- (d) To determine what students, possessing the academic qualifications prescribed from time to time by the Senate of the University of Toronto shall be enrolled in Victoria College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source and upon which the action of the College is required.
- (e) To conduct all examinations held by Victoria College.

- (f) To appoint such representatives of the Faculty of Arts to the Senate of the University of Toronto as The University Act may authorize, of whom one shall be the Dean of Victoria College.
- (g) To consider and report to the Board of Regents and to the Senate or to either of them upon such matters affecting Victoria College as to the Council may seem meet.
- 15. The present Faculty of Theology established in Vic-Continuatoria University and known as Emmanuel College is hereby Emmanuel College of Victoria College. University.
- 16. The Dean of Emmanuel College shall be the head of the Dean of College within the meaning of clause (a) of section 41 of Emmanuel The University Act. He shall be Chairman of the Council of Emmanuel College and shall advise the President on all matters concerned with the life and work of the College. He shall assist the President by performing in the College such administrative duties as may be assigned to him by the Board.
- 17.—(1) There shall be a Council of Emmanuel College Constitution of which shall consist of the Chancellor, the President of Victoria Council of Emmanuel College, the Registrar College of Victoria University, the Librarian of Victoria University, all members of the permanent teaching staff of Emmanuel College, the six members elected by the Emmanuel College Alumni as members of the Senate of Victoria University, and the five members elected by the Alumni of Emmanuel College to be members of the Board of Regents of Victoria University.
- (2) The Council of Emmanuel College shall have the Council of following powers and duties:
  - (a) To determine the theological curriculum in harmony with the general principles laid down by the General Council of The United Church of Canada.
  - (b) To prepare courses of study for degrees in Divinity and submit the same to the Senate of Victoria University for its approval.
  - (c) To determine what students shall be enrolled in Emmanuel College; and to deal with and decide upon all applications, petitions and memorials presented to them from any source.

- (d) To arrange for the teaching and examining of the students and to grant diplomas, certify to presbytery the students who have completed their course of study for ordination, and report to the Senate of Victoria University the standing of students in courses leading to degrees in Divinity.
- (e) Subject to the provisions of this Act and to the approval of the Board, to exercise direction, guidance and oversight of the work and life of the College and to make such rules and regulations as may from time to time be required for the good of the College.
- (f) To appoint to the Senate of the University of Toronto and to the Council of the Faculty of Arts such representatives as The University Act may authorize.
- (g) To determine, subject to the final ratification of the Senate of Victoria University and of the Board what schools or colleges, if any, of The United Church of Canada, whose purpose is to train students for Christian service, may become affiliated with the college and the terms of such affiliation.
- (h) To make such regulations as may be deemed necessary or advisable for the holding of nominations and elections of such members of the Council as are to be elected by the alumni.
- (i) To consider and report to the Board and to the Senate, or to either of them, upon any matters affecting the College as to the Council may seem meet.

meetings of Colleges. **18.** Joint meetings of the Faculty of Victoria College and of the Faculty of Emmanuel College may be called at any time by the President; and shall forthwith be called by him upon the request of the Faculty of either College for the purpose of discussing matters of mutual interest and concern.

Registrar of the University. 19. There shall be a Registrar of Victoria University who shall be appointed by the Board. The Registrar shall be the Secretary of the Senate and shall keep all records and papers of the Senate including lists of all graduates and alumni including holders of diplomas and certificates, the records of all examination results and the standing of all students in each College. He shall register the students in each of the Colleges under the authority of the Councils. He shall also conduct the elections of the representatives of the graduates and alumni on the Board of Regents and on the Senate of Victoria University. The Registrar shall also perform such

other duties as may be assigned to him by the Senate or the Board

- 20.—(1) There shall be a committee to be called the Caput Caput. which shall be composed of the Chancellor, the President, the Dean of Victoria College and the Dean of Emmanuel College
- (2) The Caput shall have disciplinary jurisdiction over the Powers of Gaput. conduct of the students of Victoria University and its Colleges. Disciplinary jurisdiction shall include the power to impose fines and to suspend or expel students from membership in Victoria University and to exclude students from any or all of the privileges of membership in Victoria University either temporarily or permanently.
- 21. All the graduates and undergraduates of Albert Graduates College shall have and enjoy the same rights, degrees, honours graduates and status in connection with Victoria University as they college. enjoyed in connection with said Albert College on the first day of July, 1884.
- 22. The said Albert College is hereby affiliated with the Affiliation said Victoria University and shall be entitled to two repre-College. sentatives upon the Senate of the said university.
- 23.—(1) The Board of Regents, the Senate, the Council of Continua-Victoria College, the Council of Emmanuel College, the Caput, present Board. all as at present constituted are hereby continued until Senate, changed in furtherance of the provisions of this Act with all the powers and authorities conferred upon them respectively by this Act.
- (2) The President of Victoria University, the Principals Continuaof Victoria and Emmanuel Colleges, the Registrar, the President, Librarian, the Bursar and all members of the teaching staff Registrar, of both Colleges and other officers, servants and employees of Victoria University or either of its Colleges are hereby continued in their respective positions, subject to the terms of their respective engagements, provided that the Principals of Victoria and Emmanuel Colleges shall from the coming into force of this Act be known as Deans.
- 24. The Victoria University Act, 1928, except sections 18, 1928, c. 105. 25 and 26 thereof, is repealed. Saving.
- 25. This Act shall come into force on the 1st day of July, ment of Act 1944.
- 26. This Act may be cited as The Victoria University Short title Act. 1944.



### CHAPTER 87.

## An Act respecting the City of Welland.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Corporation of the City of Welland has Preamble by its petition prayed for special legislation in respect of the Welland-Crowland Health and Recreational Centre; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subject to the approval of the Ontario Municipal Board, Power to the Corporation of the City of Welland may acquire lands, acquire lands are proportional by expropriation if necessary, which may be required to proportional vide proper facilities for recreation and sports for the youth and industrial workers and the citizens of the City of Welland and a forum for public gatherings.
- 2. Subject to the approval of the Ontario Municipal behaviors Board, by-law number 1402 passed by the council of the Cor-by-law poration of the City of Welland on the 24th day of March, validated 1944, set out as schedule A hereto, authorizing the issue of debentures for \$50,000 to provide aid in the construction of an arena as a unit of the Welland-Crowland Health and Recreational Centre is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the rate-payers thereof.
- 3. The general management, regulation and control of the Board of said arena is hereby vested in a board to be known as "The for arena Board of Trustees and Managers of the Welland-Crowland Health and Recreational Centre."
- 4. By-law number 1404 passed by the council of the By-law Corporation of the City of Welland on the 21st day of Febru-agreement ary, 1944, set out as Schedule B hereto, authorizing the execu-validated tion of an agreement between the Corporation and the Welland-Crowland Health and Recreational Centre to provide for the general management, regulation, control and financing

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of the said arena is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and the said agreement, a copy of which is annexed to the said by-law, is hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof and the said Welland-Crowland Health and Recreational Centre.

Short title

5. This Act may be cited as The City of Welland Act, 1944.

#### SCHEDULE A

#### BY-LAW NUMBER 1402

A by-law to authorize the issue of debentures for \$50,000.00 for granting aid to the Welland-Crowland Health and Recreational Centre.

WHEREAS the Welland-Crowland Health and Recreational Centre is a Charitable Organization for the purposes of organizing such activities tending to promotion of the health, social welfare and recreation of the people of the City of Welland and the Township of Crowland and is composed of the citizens and Societies interested in the said objects.

And Whereas the Council of the Corporation of the City of Welland has been approached by the Welland-Crowland Health and Recreational Centre which has requested the Council to grant to the Welland-Crowland Health and Recreational Centre a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to aid in the construction of an Arena for the purpose of providing proper facilities for recreation and sports and a forum for

AND WHEREAS it is provided by Section 404, paragraph 5 of The Municipal Act, being Chapter 266 of the Revised Statutes of Ontario, 1937, that by-laws may be passed by the Councils of all Municipalities for granting aid to any Charitable Institution.

AND WHEREAS the Council deems it expedient in the interests of the community at large to further the requests of the Welland-Crowland Health and Recreational Centre with a view to providing such facilities for the

AND WHEREAS the Welland-Crowland Health and Recreational Centre has received by public subscription a sum at least equal to and in excess of that sought to be raised under this by-law and requests the Council of the Corporation of the City of Welland to submit a by-law to the electors entitled to vote on money by-laws for the purpose of obtaining their assent to the issue of debentures for the sum of Fifty Thousand Dollars (\$50,000.00) for the purposes aforesaid.

AND WHEREAS the Council deems it expedient to submit this by-law and, if assented to, to validate it by special legislation to issue debentures for the sum of Fifty Thousand Dollars (\$50,000.00) to grant to the Welland-Crowland Health and Recreational Centre for the purpose aforesaid, which amount with interest thereon is the maximum amount of the debt to be created by this by-law.

AND WHEREAS it is deemed expedient to make the principal re-payable in equal annual instalments during the period of five years from the date of the issue of the said Debentures with interest thereon at the rate of three percent (3%) per annum.

AND WHEREAS it will be necessary to raise annually during the said period of five years to pay the said annual instalments of principal and interest as they become due and payable the amounts hereinafter specified rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property in the City of Welland according to the last Revised Assessment Roll is \$11,394,955.00.

AND WHEREAS the amount of the existing Debenture debt of the Corporation is \$874,289.57, exclusive of Local Improvement debts, secured by special rates or assessments and other indebtedness which by the provisions of certain Statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, and no part of the principal or interest thereon is in arrears.

Now Therefore the Municipal Council of the Corporation of the City of Welland enacts as follows:—

- 1. That for the purpose aforesaid, it shall be lawful for the Council of the Corporation of the City of Welland to borrow upon Debenturers of the Corporation the sum of Fifty Thousand Dollars (\$50,000.00) and Debentures shall be made and issued therefor in sums of not less than One Hundred Dollars (\$100.00) each, which Debentures shall be signed by the Mayor and countersigned by the Treasurer of the said City and sealed with the Corporate Seal
- 2. The said Debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed and may bear any date within such two years, and shall be payable in five equal annual instalments during the five years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

Year	Principal	Interest	Total
1	\$ 9,417.72	\$1,500.00	\$10,917.72
2	9,700.26	1,217.46	10,917.72
3	9,991.27	926.45	10,917.72
4	10,291.01	626.71	10.917.72
5	10,599.74	317.98	10,917.72
Total	\$50,000.00	\$4,588.60	\$54,588.60

- 3. The said Debentures shall bear interest at the rate of three per cent (3%) per annum, payable half yearly during the currency thereof and shall have attached to them coupons for payment of the said interest, with a facsimile of the signature of the Treasurer engraved thereon.
- The Debentures both as to principal and interest shall be payable at the Office of the Treasurer of the said Corporation in the City of Welland.
- 5. During the currency of the said Debentures, there shall be raised annually in respect thereof by special rates sufficient therefor over and above all other rates on the whole rateable property in the City of Welland amounts in each of the said before mentioned years respectively as are required to meet the annual instalments of principal and interest due in each year and as shown and set forth in the foregoing table.
- 6. This By-law shall not come into force or effect until assented to by the electors entitled to vote on money by-laws and validated by a Special Act of the Legislative Assembly of the Province of Ontario.
- 7. No debentures shall be issued or sold until the Trustees of the Welland-Crowland Health and Recreational Centre certify to the Council of the City Corporation that they have raised by public subscription the sum of not less than that intended to be raised by this By-law.

READ a first time, read a second time and referred to the Electors this 21st day of February, A.D. 1944.

 $\begin{array}{c} \text{T. H. Lewis,} \\ \underline{\textit{Mayor.}} \\ \text{(Seal)} \\ \text{J. D. Warr.} \\ \underline{\textit{City Clerk.}} \\ \end{array}$ 

#### SCHEDULE B

#### BY-LAW NUMBER 1404

A by-law to confirm and authorize the execution of the Agreement dated the 21st day of February, 1944, between the Corporation of the City of Welland and the Welland-Crowland Health and Recreational

Centre which has requested the Council to grant to the Welland-Crowland Health and Recreational Centre a sum not exceeding Fifty Thousand of providing proper facilities for recreation and sports and a forum for

has passed By-law Number 0000, being a by-law to authorize the issue of debentures for \$50,000.00 for granting aid to the Welland-Crowland

AND WHEREAS it is deemed expedient to enter into an Agreement expressing the manner in which the said Welland-Crowland Health and Recreational Centre is to be constructed, the terms and conditions under which it is to be managed, regulated and controlled by the Board, and the

Now Therefore the Municipal Council of the Corporation of the

Welland-Crowland Health and Recreational Centre dated the 21st day of

READ a first time, read a second time and read a third time and finally passed in Council this 21st day of February, 1944.

J. D. WAIT, Clerk.

This Agreement made this 21st day of February, A.D. 1944, Between:

THE CORPORATION OF THE CITY OF WELLAND, hereinafter called the "Corporation"

OF THE FIRST PART;

—and—
THE WELLAND-CROWLAND HEALTH AND RECREATIONAL
CENTRE, hereinafter called the "Centre"

OF THE SECOND PART:

Whereas the Council of the Corporation has passed By-law Number 1402, "A By-law to authorize the Issue of Debentures for Fifty Thousand Dollars (\$50,000,00) for granting Aid to the Welland-Crowland Health and Recreational Centre", which is to be submitted on March 23rd, 1944, to the votes of the Electors entitled to vote on Money By-laws, and proposes, upon receipt of a Certificate from the Trustees of the Centre to the effect that at least Fifty Thousand Dollars (\$50,000.00) or more has been received by it from public subscriptions, to grant Aid to the said Centre in a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to be paid to the Trustees of the Centre as herein provided, to construct an Arena for the purpose of providing proper facilities for recreation and sports for the children, youth, Industrial workers and citizens generally, and a forum for public gatherings.

AND WHEREAS the first unit of the Welland-Crowland Health and Rereational Centre is to consist of an Arena to be used for Winter Sports and for such other purposes to which it may be adapted.

AND WHEREAS the Council intends to apply to the Legislative Assembly of the Province of Ontario for authority to issue the said Debentures and to grant the said sum to the Centre and to enter into this Agreement.

Now Therefore This Agreement Witnesseth that in consideration of the premises and of the covenants hereinafter to be performed, the parties hereby covenant and agree as follows:

- 1. Upon receipt of a Certificate from the Trustees of the said Centre certifying that the said Trustees have received from public subscription the sum of at least Fifty Thousand Dollars (\$50,000.00) or more to construct said unit for the purpose of providing proper facilities for recreation and sports for the children, youth, Industrial workers and citizens generally and a forum for public gatherings, the Council of the Corporation of the City of Welland shall grant to the said Trustees a sum not exceeding Fifty Thousand Dollars (\$50,000.00) to be used for such purpose.
- A Committee known as the "Building Committee" composed of three Members of the said Centre nominated by the said Centre and four Members of the Council nominated by the Council shall then be appointed.
- 3. The first Meeting of the Building Committee shall be called by the Mayor within one month from the date hereof, and at that Meeting and at all necessary adjournments thereof, the Building Committee shall by regulations duly enacted thereat, provide for the conduct of its own affairs.
  - 4. The duties of the Building Committee shall be to:
  - (1) Recommend to the Board of Directors of the Centre and the Council of the Corporation the approval and adoption of the Plans and Specifications as submitted to it by the Committee of the Centre in charge of obtaining Plans and Specifications.
  - (2) Call for Tenders thereon and let such contract or contracts as it may deem advisable upon obtaining the approval and adoption of the said Plans and Specifications.

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Approved 23/2/44. "R. B. LAW," Solicitor for the "Centre.

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- (3) Supervise the construction of the unit pursuant to the Plans and Specifications as finally approved.
- (4) Make monthly written reports, accompanied by a report from the Architect or Engineer, to the Trustees of the Centre stating the progress made in the construction of the unit and recommending any payments due to a Contractor or any other person entitled thereto.
- 5. Upon receipt by the Treasurer of the Corporation of a duplicate Certificate and Report as furnished by the Building Committee to the Trustees of the Centre, the Treasurer shall pay to the Trustees of the Centre one-half of the monies recommended to be paid to a Contractor or any other person entitled thereto until the amount hereby agreed to be given shall have been exhausted.
- 6. No substantial alteration, modification or change or any alteration, modification or change involving any expenditure exceeding One Hundred Dollars (§100.00) shall be made by the Building Committee in the Plans and Specifications finally approved and upon which the contracts are let without the approval of the Board of Directors of the Centre and the Council of the Corporation as expressed by Resolution thereof.
- 7. Before any authorization is given for the commencement of any work upon the said unit, the Centre shall convey or cause to be conveyed to the said Corporation all lands used or to be used in connection with said first unit free and clear of all encumbrances, and the Corporation shall not be obliged to advance any portion of the said sum of \$50,000.00 until such conveyance is delivered to the said Corporation.
- 8. Upon completion of the said unit, the Centre shall assign and transfer all its machinery, equipment and other chattels used in connection with the said unit to the said Corporation free of any liens as aforesaid.
- 9. Prior to the completion of the said unit, there shall be constituted a Board to be known as the Board of Trustees and Managers of the Welland-Crowland Health and Recreational Centre, hereinafter referred to as the "Board".
- 10. The Board shall consist of three Members of the said Centre nominated annually by the said Centre and four Members of the Council nominated annually by the Council to hold office only so long as he is also a Member of Council. Nominations shall be made in the month of April to be effective as of the 31st of May in each year, the tenure of office of the Board to be from the 1st day of June to the 31st day of May of the next succeeding year or until their successors shall have been appointed.
- 11. The general management, regulation and control of the said unit shall be vested by the Centre in and shall be exercised by the Board, and it shall be the duty of the Board to manage, regulate and control the said unit in accordance with the terms of this Agreement and the Board shall properly maintain the said unit and the grounds thereof.
- 12. Such portion of the funds remaining in the hands of the Trustees of the Centre and raised for the purpose of constructing the said unit shall be transferred to the said Board to be used by it for the purpose of operating and maintaining the said unit.
- 13. The first meeting of the Board shall be called by the Mayor of the City of Welland as Chairman, at which Meeting the Board shall by regulations duly enacted, provide for the conduct of its affairs.
- 14. The Board shall fix and be entitled to charge and collect such rates, fees or amounts as it may deem advisable for the use of or admission to the said unit.
- 15. Any surplus resulting from the year's operations shall at the end of the Fiscal year be turned over to the Trustees of the Centre, less such an amount for future operations as the Board may indicate.
  - 16. Any surplus from operations after setting up all proper reserves

not used or set aside by the Trustees of the Centre for such of its purposes and objects to be carried on within the City of Welland and the Township of Crowland shall, from time to time, be paid over to the Corporation.

- 17. The Fiscal Year for the purposes of the general management of the said unit shall end on the 30th day of April in each year.
- 18. The Board shall meet at least once every three months and more frequently if so desired, and there shall be furnished at each such quarter-yearly meeting the Financial Statement of the said unit.
- 19. The Council of the Corporation shall, upon a Member of the Board not being also a Member of the Council, appoint a new Member to fill the vacancy and such new Member shall hold office until the nomination of a new Board, provided that nothing herein shall prevent such Member being nominated a Member of the new Board. This provision shall apply also to the Building Committee.
- 20. The Board shall appoint annually a Public Accountant to audit the books of the said unit.
- 21. The Members of the Building Committee and the Members of the Board shall serve without remuneration but may employ such professional assistance as they may deem necessary.
- 22. Either party may at its own pleasure recall any or all of its Nominees and may substitute others, due notice of any recall being given to the Chairman of the Committee or Board to be so affected.
- 23. The Board shall have power to pass By-Laws not contrary to this Agreement to regulate and govern the conduct in all particulars of the affairs of the Board.
- 24. The Board shall have all the powers necessary to the carrying out of the terms of this Agreement and in the general management, regulation and control of the said unit, and where the provisions of any Public or Private Act shall be in conflict with this Agreement, the provisions of this Agreement shall apply.
- 25. This Agreement may be amended at any time and from time to time by the mutual consent of the parties hereto expressed by By-Law of the Council of the Corporation and by Resolution of the Welland-Crowland Health and Recreational Centre, provided such amendment receives all necessary approvals.
- 26. All expenses and disbursements involved in the preparation of all By-Laws, Agreements, Elections, Bills and approvals and applications necessary or incidental to the said grant of Fifty Thousand Dollars herein provided shall be deductible by the Corporation out of any sum hereby granted to the said Centre.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective Corporate Seals under the hands of their duly authorized Officers.

SIGNED, SEALED AND DELIVERE

In the presence of:

THE CORPORATION OF THE CITY

Per T. H. Lewis,

Mayor.

Per J. D. WATT,

Clerk.

Welland-Crowland Health and Recreational Centre

> Per D. W. Lathrop, Vice-President. (Seal)

Per J. HALL,

(0001)

#### CHAPTER 88.

An Act respecting the Township of York.

Assented to April 6th, 1944. Session Prorogued April 6th, 1944.

WHEREAS the Township has by its petition prayed for Preamble. special legislation in respect of annexation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Notwithstanding the provisions of any other Act, No annexa-excepting only section 23 of The Municipal Act as re-enacted without by section 2 of The Municipal Amendment Act, 1939, the vote.

  Township or any part thereof shall not be annexed to any 1939, c. 30. adjoining municipality, nor shall any part thereof be incorporated as a municipality separate and apart from the Township without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of The Municipal Act.
- 2. This Act shall come into force on the day upon which Commencement of Act receives the Royal Assent.
- 3. This Act may be cited as The Township of York Act, Short title.



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# (First Session, Twenty-First Legislature, 8 George VI, 1944)

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ance Act). Interpretation Act	1	1941, c. 55, s. 15; 1942, c. 34, s. 17.

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